

Real Property, Trust and Estate Law Journal

Information for Authors

This is a guide for authors who wish to submit articles for publication in the *Real Property, Trust and Estate Law Journal*, the law review publication of the Section of Real Property, Trust and Estate Law of the American Bar Association.

EDITORIAL PURPOSE

The *Journal* publishes scholarly articles on subjects of practical interest and importance to lawyers practicing in the fields of real property, estate planning, probate, and trust law. We consider for publication articles that address topics within these areas of the law, as well as related fields, including environmental law, ERISA, insurance, and bankruptcy.

TOPIC TREATMENT

We will consider the following types of articles for publication:

1. Analytical articles on discrete topics of current interest or recent developments in the law. Such articles should analyze issues of practical significance and, when appropriate, discuss techniques that may be used to achieve legal objectives and propose how perceived ambiguities or conflicts in the law may be resolved. Articles on recent developments should describe the developments and analyze thoroughly their practical and theoretical significance.
2. Survey or primer articles discussing the development of the law to date in a particular subject area. Such articles should not be merely historical summaries, but should provide useful analysis of various factors and policy concerns that have shaped the development of the law, pointing out when appropriate why the law has been slow to develop in certain areas or has developed inconsistently among jurisdictions.
3. Articles discussing proposals for legal reform. Such articles should explain the motivation for reform efforts, describe any proposed reform, and analyze critically the strengths or weaknesses of the proposal discussed.
4. Special reports or other material of unusual value to the Bar. From time to time, the *Journal* may publish materials not in traditional law review form, when special circumstances dictate the need for such publication. The individual or group submitting such materials may be asked to author a more traditional law review style article to accompany the material, analyzing its content and its significance to the law or practice of law.
5. Book Reviews. Book reviews may analyze and comment on books of interest to the *Journal's* subscribers.

STYLE

Articles should be written in traditional law review style, presenting a scholarly discussion with full citation to authority in footnotes. Lengthy lists and outlines normally are not appropriate within the text of an article, but they may be included as appendices to a textual discussion if they would be of particular value to the reader. For example, if an article surveys the law of all states on a particular subject, the text may compare analytically how and why the law differs between jurisdictions, but a mere listing of the law

by jurisdiction within the body of the article would not be appropriate. Similarly, lengthy forms may be included in an appendix.

Article length may vary, although 30-50 double-spaced typed pages is typical. Generally speaking, the *Journal* does not publish articles of either fewer than 15 or more than 50 printed pages. Book reviews and case notes, however, may be somewhat shorter. Articles of more than 50 printed pages may be subdivided to facilitate printing in two or more issues of the *Journal*.

Authors should use the active voice wherever possible, and generally avoid the use of the first and second persons. We edit articles to conform to *The Bluebook—A Uniform System of Citation* and to the *Texas Law Review Manual on Usage & Style*. Authors who do not have access to these books should conform generally to William Strunk, Jr. & E.B. White, *The Elements of Style*.

SUBMISSION

The *Journal* welcomes the submission of articles for publication consideration regardless of whether the author is a member of the Section of Real Property, Trust and Estate Law. As a publication of the Section, however, the *Journal* particularly encourages Section members and committees to submit materials for publication consideration.

Articles must be submitted in electronic format by e-mail to:

- Roger D. Schwenke at rschwenke@carltonfields.com (in the case of articles on real property law topics); or
- W. Birch Douglass, III, at bdouglass@mcguirewoods.com (in the case of articles on estate planning, probate and trust law topics).

We do not require that articles be submitted to the *Journal* on an exclusive basis, but we do expect that articles submitted to us will not have been previously published in, or committed to, any other publication, in either the same or the similar form. Authors should notify us immediately if an article submitted to us for publication consideration is accepted for publication elsewhere. We may consider for publication articles that have previously appeared elsewhere, but only if the submitted article is substantially different—either in treatment, focus or length—from the previously published version, and provided that the copyright holder of the previous publication will provide written permission for the article to appear in the *Journal*.

We do not consider for publication articles that are in draft form or contain any unfinished material. Occasionally we will ask authors of articles we have already accepted to update the articles prior to publication in order to clarify items or to take into account changes in the law or other current developments.

ARTICLE SELECTION

The professional editorial board selects articles for publication based upon consideration of a number of factors, including (1) the subject of the article and its compatibility with the editorial purpose of the *Journal*; (2) the substantive accuracy and clarity of style of the article; (3) the thoroughness with which the article treats its subject, including the adequacy of citation within the article; (4) the number of lawyers likely to be interested in the topic; and (5) the extent to which the topic previously has been considered in the *Journal* and in other publications. We will also consider the objectivity of the author and whether any real or apparent conflicts of interest may exist, based on the interest or relationship of the author in or to any product or service referred to in the article.

EDITORIAL PROCESS

All accepted articles are edited by a student editorial board at the University of South Carolina School of Law and reviewed and edited by one or more members of the professional editorial board of the *Journal* to ensure accuracy of content and clarity of style. After we complete our editing, we return the article, as edited, to its author, who is then asked to make final suggestions and comments before publication.

The professional editorial board is appointed by the Section. The names and contact information for the current professional editors are listed on the attached *Schedule I*. Any author who has a question about *Journal* editorial policy while preparing an article is encouraged to contact any member of the professional editorial board.

COMPLIMENTARY REPRINTS FOR AUTHORS

The Section of Real Property, Trust and Estate Law Journal provides authors with 25 complimentary copies of their articles. Authors may order additional reprints, at their own expense, at the time they return their edited article to the *Journal's* editor-in-chief immediately prior to publication.

PUBLICATION SCHEDULE

The *Journal* is published three times each year. The following table summarizes publication schedule and the respective deadlines for article submission. Articles submitted for consideration for publication are reviewed on a “first submitted, first accepted” rule, and specific *Journal* issues are often full in advance of their respective deadlines. We cannot hold space “open” in an issue for promised articles or promised redrafts of articles.

Issue	Publication Date	Deadline for Article Submission
Winter	Late January	September 1 (of preceding year)
Spring	Late June	December 1 (of preceding year)
Fall	Late September	March 15

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Authors must sign a copyright agreement provided by the American Bar Association, the form of which is attached as *Schedule II*, and which, in addition, contains certain warranties made by authors. By submitting an article for consideration to the *Journal*, authors also represent and warrant that the submitted article does not contain any material that would violate the rights of any third party, and that the author does not have a financial or other interest in any product or service referred to in the article, unless the interest is disclosed in writing to the editors of the *Journal* at the time the article is submitted for consideration. If any representation or warranty made by an author should prove to be untrue, the *Journal* reserves the right to revoke any prior acceptance of that author’s article, immediately and without notice to the author.

The views expressed in articles published in the *Journal* have not been approved by the House of Delegates or the Board of Governors of the ABA and should not be construed as representing the policy of the ABA.

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Schedule II

FORM OF COPYRIGHT RELEASE

PUBLICATION AGREEMENT: CONTRIBUTION TO A COLLECTIVE WORK -- PERIODICAL

FROM: AMERICAN BAR ASSOCIATION, Real Property, Trust and Estate Law Journal

321 North Clark Street, Chicago, IL 60654

Attn: Alexander R. Arpad, Editor-in-Chief, *Real Property, Trust and Estate Law Journal*

TO: _____

[Joint authorship: If the Work has more than one author whose individual contributions are "inseparable parts of a unitary whole," each author must sign a separate counterpart to this agreement. All such counterparts shall be considered collectively as one and the same agreement.]

The American Bar Association is pleased to consider the publication of your Work, tentatively entitled:

“ _____ ”

tentatively scheduled to be included in the following periodical: *Real Property, Trust and Estate Law Journal*, Vol. No. ____, Issue No. ____ (or a subsequent issue).

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