



# 2019 WRITING COMPETITION

Subcite Tips Session | April 18, 2019

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**Welcome!**

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The writing competition:

- Same info for everyone
  - Two parts, one week
    - Read instructions
- Meant to reflect the work of an editor on HLR
  - Biggest tip: finish!

**This is not a trick.**

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1. Your entry must reflect your work only.
2. You may not consult or collaborate with anyone in any way regarding any part of the competition.
3. Double-blind.
4. No distributing or sharing competition materials with anyone.
5. No typing, scanning, or otherwise entering competition materials into a computer or other digital form.
6. No outside research.
7. No online Bluebook website.
8. More details will be provided in the competition packet.

# Honor Code

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Inappropriate conduct will result in disqualification from the competition and will be reported to the Administrative Board of the Law School, which will consider the issue a matter of academic misconduct.

# Honor Code

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1. Mechanics of the subcite
2. Practice subcite exercise
3. Panel with 2Ls + 3Ls on advice and best practices

# Roadmap for Today

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# 1. Mechanics of the subcite

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- Technical + substantive errors
- Mirrors the student editing experience on HLR
- Difference between editing and rewriting
- Closed universe of Bluebook rules
- **Read instructions**

# Overview

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- Three things you MUST do:
  - 1.** Identify the error
  - 2.** Explain the error
  - 3.** Correct the error

# Subcite Corrections

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# 1. Identify (ALL CAPS)

For example:

- SPELLING
- CHARACTERIZATION
- PINCITE

# Subcite Corrections

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## 2 Explain

For example:

- The source says that . . . .
- This quotation appears on page . . . .
- *Bluebook* Rule 4 asks for . . . .

# Subcite Corrections

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### **3.** Correct in <angle brackets>.

For example:

- Please consider <275>.
- You might rephrase as <This creates a problem>.

# Subcite Corrections

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QUOTATION: The text of the source says [THIS]. Please consider <THIS>.

SPELLING: This word is spelled [CORRECT SPELLING]. Please consider <CORRECT SPELLING>.

TYPEFACE/BLUEBOOK: Per Bluebook Rule 16, the title of an article should be in italics, not in small caps. Please consider <Title of Article>.

SIGNAL: Per Bluebook Rule 1.2, the [BLANK] signal should be used because [EXPLANATION]. Please consider <BLANK>.

PINCITE: Support for the proposition above appears on page [NUMBER]. Please consider <NUMBER>.

# Examples

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- Box *exactly* what you replace.

- One. <one.>

- One <one>

- is for <was for>

- is <was>

# Boxing and Lining

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- Make copies of the subcite article first.
- Leave time to print and box.
- Handwritten comments only get  $\frac{1}{2}$  credit.

## **Printing and Submitting**

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- Refer to packet for error types and point values.
- FAQs:
  - What do we do for nested errors?
  - What do we do for conditional errors?
  - What do we do for misplaced sentence/paragraph errors and subsequent footnote numbering?
    - But how do we square that with cross-references?
- Typeface and formatting are all fair game.

# Overarching Guidance

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- You will NOT be penalized for suggesting a correction to something that was not wrong in the first place.
- You will only be penalized for egregious overcorrection.
  - But what counts as “egregious”?
- Do not quibble with style.
- Be polite. You may be penalized for adopting a rude tone.
  - How can I ensure that I am writing in a polite tone?
    - Please consider: <correction>.

# Overarching Guidance

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**No one catches all the errors!**  
**(Seriously)**

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## **2. Practice subcite exercise**

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- Sample exercise
- (Check the sources!)

# Subcite

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For a statement made prior to a custodial interrogation to be admissible, the familiar rule of Miranda v. Arizona<sup>17</sup> is that a suspect must have "voluntarily, knowingly and intelligently" waived certain rights after receiving adequate warnings and before questioning began.<sup>18</sup> These rights are the "right to remain silent" and the "right to the presents of an attorney, whether retained or appointed."<sup>19</sup> If a suspect indicates that he or she wishes to speak to an attorney or wishes not to be interrogated, the the interrogation must stop. Responding to questions or volunteering information waives the right subsequently to consult a lawyer or an attorney before choosing whether to continue the interrogation.<sup>20</sup>

Subcite Exercise #1 – Answer Sheet

. . .

For a statement made prior to a custodial interrogation to be admissible, the familiar rule of Miranda v. Arizona<sup>17</sup> is that a suspect must have “voluntarily, knowingly and intelligently” waived certain rights after recieving adequate warnings and before questioning began.<sup>18</sup> These rights are the “right to remain silent” and the “right to the presents of an attorney, whether retained or appointed.”<sup>19</sup> If a suspect indicates that he or she wishes to speak to an attorney or wishes not to be interrogated, the the interrogation must stop. Responding to questions or volunteering information waives the right subsequently to consult a lawyer or an attorney before choosing whether to continue the interrogation.<sup>20</sup>

. . .

SUBSTANCE: *Miranda* deals with custodial interrogation. Please consider <during>. (2 points)

SPELLING: Please consider <receiving>. (1 point)

QUOTATION: Please consider <presence>. (1 point)

QUOTATION: Please consider <either>. (1 point)

REPETITION: Please consider deleting second “the.” (1 point)

CHARACTERIZATION: No rights are waived at this point. Please consider <does not waive> [or similar]. (2 points)

REDUNDANCY: Please consider deleting “or an attorney.” (1 point)

<sup>17</sup> 384 U.S. 436 (1966).

<sup>18</sup> Id. at 444; see also Dickerson v. United States, 530 U.S. 428, 432 - 33 (2000) (summarizing Miranda).

<sup>19</sup> See Miranda, 384 S. Ct. at 444. Miranda also requires police to warn the suspect "that any statement he does make may be used as evidence against him" Id.

<sup>21</sup> Id. at 445.

<sup>17</sup> 384 U.S. 436 (1966).

PINCITE: *Miranda* is not summarized on these pages. Please consider <434 - 35>. (2 points)

<sup>18</sup> Id. at 444; see also *Dickerson v. United States*, 530 U.S. 428, 432 - 33 (2000) (summarizing Miranda).

SIGNAL: As a direct quotation, there is no signal required. Please consider [no signal]. (2 points)

<sup>19</sup> See Miranda, 384 S. Ct. at 444. Miranda also requires police to warn the suspect "that any statement he does make may be used as evidence against him." Id.

REPORTER: Please consider <U.S.>. (1 point)

PUNCTUATION: Please consider <.> (1 point)

<sup>21</sup> Id. at 445.

FOOTNOTE CALL: Please consider <20>. (1 point)

**3. Panel of 2Ls + 3Ls to  
discuss best practices**

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- When you were grading the subcite, what were some common but avoidable mistakes that you saw?

## **Subcite Graders' Tips**

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- How did you schedule and balance your time between the subcite and case comment over the week?
- How did you organize all of the subcite material at the outset?
- Did you go through the subcite just once or multiple times?

# **Approach to the week**

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- How did you go about looking for Bluebooking/technical errors?
- How did you go about looking for substance/characterization errors?
- How did you go about looking for structural errors?

## **Approach to the subcite**

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- What was your approach to boxing and lining?
- What was your approach to printing?
- What was the last night of the Competition like for you?

## **Approach to finishing**

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- Not a test of how smart you are.
- Read the instructions.
- Finish and turn it in.

# Takeaways

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- Email or talk to us!
  - Chloe: [ccotton@jd20.law.harvard.edu](mailto:ccotton@jd20.law.harvard.edu)
- You can still sign up for a coffee chat (but do it soon!)

# Questions?

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