

*Yale Law Journal*  
**Practical Scholarship  
Guide Spring 2019**

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## **I. Introduction**

The *Yale Law Journal* is committed to publishing scholarship on a wide range of legal topics, including pieces that are practice-oriented or inspired by on-the-ground litigation. *YLJ* created the Practical Scholarship Editor position to help increase publication of this type of scholarship—by academics, practitioners, and students alike.

*YLJ* believes that all scholarship is, in some sense, practical. Even the most theoretical pieces aim to have some impact on the real world. But some pieces are more practical than others. For example, a piece may be drawn directly from a practitioner's or clinic student's experience in a case. It may address a specific, timely issue of law or policy, or seek to influence courts and policymakers. Or it may simply discuss a legal issue that generalist readers have experienced or can easily relate to.

We wrote this Guide specifically for YLS students in order to explain the different types of *YLJ* pieces, to offer advice from published scholars (both student and faculty), and to provide examples of practical scholarship published in *YLJ*. We hope that the information is helpful, and we encourage students to reach out to *YLJ* members for additional guidance and advice. To that end, we have included the contact information for several members of Volume 129 at the end of this Guide.

## **II. General Information and Guidelines**

The *Yale Law Journal* accepts three types of student scholarship: Notes, Comments, and *Forum* Essays. Any of these pieces can be practical in nature, and Volume 129 is excited to publish an array of student scholarship that reflects the diversity of interests at the law school.

Below is a brief overview of the different types of student scholarship. Please follow the links for more detailed descriptions of submission requirements and review procedures.

### **A. Notes**

#### **What is a Note?**

- A Note makes an original, well-supported argument that advances the frontier of legal scholarship in a particular field.

#### **Successful Notes are:**

- **Original:** The Note should advance a particular area of legal scholarship beyond its current state. The Note should situate itself within a legal discourse and articulate how it progresses the field.
- **Well-executed:** The Note should be supported by primary and secondary sources. It should be written and structured in a manner that conveys its main ideas effectively to a generalist reader.
- **Supported by real-world stakes:** The Note should demonstrate why its argument is particularly important today. It should articulate the expected impact of its main ideas on the doctrine, theory, and/or legal practice surrounding the Note's topic.

### **Additional Submission Requirements?**

- A Statement of Originality must accompany all Note submissions and resubmissions.
- The author must also include an abstract for the piece.
- For resubmitted Notes the author must include a resubmission memo. The resubmission memo must include previous Revise & Resubmit letters from the Yale Law Journal and an explanation of how the Note has changed since the prior submission.

### **Word Limit**

- First-time submissions to Volume 129 may be a maximum of 15,000 words. The Committee will not review first-time submissions exceeding the word limit. This limit includes text and footnotes, but does not include the Abstract, Table of Contents, or Statement of Originality.
- There is no minimum word count.
- Resubmitted Notes have no word limit.
- Please note that Volume 129 may decide to modify some of these policies.

### **Drop Dates**

- You may submit your piece at any time before the drop date, but the Committee will not begin reviewing submissions until after the drop date passes.
- The drop dates for Volume 129 are as follows: Friday, **February 15, 2019 at 5:00 PM**, Friday, **April 5, 2019 at 5:00 PM**; Sunday, **June 16, 2019 at 5:00 PM**. There will be additional drop dates for Volume 129 announced in the Fall.

## **Review Process**

- **Blind Review:** Notes are reviewed without knowledge of the author's name or other identifying information. Any member of the Committee who has reason to know the identity of a Note's author is recused from deliberation on that Note. Authors' identities are only revealed to the Committee after a Note has been accepted for publication.

## **B. Comments**

### **What is a Comment?**

- A Comment is a short piece that presents an original and concise argument. A Comment should have a strong, clear thesis and minimal literature review. Comments generally address issues that are narrower in scope than Notes. Unlike Notes, Comments need not have a normative upshot; an effective Comment may simply identify a heretofore unnoticed tension in the law or offer a novel empirical analysis of the efficacy of a particular practice.
- Examples include:
  - Case Comments, evaluating a recent court decision
  - Practitioner-oriented Comments
  - Comments that survey or critique changing jurisprudence
  - Comments that identify tensions or gaps in modern or long-established doctrines

### **Word Limit**

- First-time submissions to Volume 129 may be a maximum of 7,000 words. The Committee will not review first-time submissions exceeding the word limit. This limit includes text and footnotes.
- The Committee recommends that submissions be a minimum of 3,000 words.
- Resubmitted Comments have no word limit.

### **Additional Submission Requirements?**

- A Statement of Originality must accompany all Comment submissions and resubmissions.
- The author must also include an abstract for the piece.

- For resubmitted Comments the author must include a resubmission memo. The resubmission memo must include previous Revise & Resubmit letters from the Yale Law Journal and an explanation of how the Comment has changed since the prior submission.

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- **Blind Review:** Comments are reviewed without knowledge of the author's name or other identifying information. Any member of the Committee who has reason to know the identity of a Comment's author is recused from deliberation on that Comment. Authors' identities are only revealed to the Committee after a Comment has been accepted for publication.

## **C. Forum Submissions**

### **What are they?**

- *YLJ Forum* pieces are typically timelier and often more accessible to a general audience than other *YLJ* publications. *Forum* particularly encourages pieces that address current or actively unfolding legal issues and that are targeted toward judges, policymakers, and practitioners.
- **Forum Essays** are original and timely pieces that bear directly on unfolding legal events, blending the common appeal of op-eds with the rigor of scholarship.
  - The Committee will review proposals for Essays in addition to fully written pieces.
- **Forum Responses** are scholarly reactions to *YLJ*'s print and online content.
  - *Forum* may publish multiple Responses to a piece. The

Committee may also solicit Responses to certain pieces.

- **Forum Collections** are explorations of a single legal subject, with authors contributing distinct perspectives and engaging in dialogue with each other.
  - The Committee accepts submissions for Collection topics and pieces in addition to soliciting them.

#### **Additional Submission Requirements**

- YLS students must submit a *Forum* Submission Form along with their piece.

#### **Word Limit**

- The Committee encourages submissions between 2,500-5,000 words (including footnotes), but it also reviews longer pieces.

#### **Drop Dates?**

- Students may submit a *Forum* Essay, Response, Collection topic or piece at any time. The Committee reviews submissions on a rolling basis throughout the year.

#### **Review Process**

- Blind Review: student submissions are reviewed by the Committee without knowledge of the authors' identities. Any member of the Committee who has reason to know the identity of a student author of a *Forum* submission is recused from deliberation on that submission.

### **III. Writing Student Scholarship**

#### **A. Brainstorming a Topic**

Good ideas can come from a variety of sources: clinical work, summer internships, seminars, lecture courses, RA work, and your own personal experiences or observations. As Roseanna Sommers '18 notes, “[c]linics, summer jobs, legal blogs, [and] even Twitter” can help you brainstorm or identify a topic. **Often the impetus for practical scholarship is an unaddressed puzzle, question, or problem in a particular area of legal practice.** Practical scholarship often has an immediacy that is not always present in other scholarship. When brainstorming topics, consider the audience. Practitioners frequently seek to persuade their colleagues, courts, or legislators to alter their practice, jurisprudence, or policies. Amit Jain '18 explains how he developed the idea for a *Forum* Essay he co-authored on tax-free universities: “In the past, at the

encouragement of a professor (and/or to fulfill a graduation requirement), I thought about issues from my clinical work that frustrated or motivated me. I then thought about what, if anything, scholarship could do to nudge the law forward on that issue. If it seemed like there was value in writing something, I gave it a try.”

Like Jain, many clinical students and practitioners who have published in *YLJ* identified their practice as the most fruitful source of their ideas. Thomas Scott Railton '18, who published a Note on sanctuary cities, writes that his topic “emerged directly out of my work that I was involved in with the Workers and Immigrant Rights Advocacy Clinic.” Indeed, “clinic is a great place for coming up with potential scholarship. . . . Because clinical work can involve novel arguments or attempts to reform the law through litigation, you might often be called on to brainstorm and work through possible new ideas.”

Miriam Gohara, Clinical Associate Professor of Law at Yale, echoes this sentiment: “My scholarship has always arisen from issues I have encountered in my case work representing clients accused or convicted of crimes. For example, my first major research article is about the risk of false confessions resulting from deceptive police interrogation tactics. I pursued this topic while representing a capital habeas client who falsely confessed to a murder after police told him evidence linked him to the crime. Identifying and researching thorny issues that emerge when I am representing clients, or engaging in policy advocacy, is my most fruitful way to brainstorm practical scholarship.” Ideas need not arise from a particular experience in legal practice. Sarah Golabek-Goldman '16, who published a Note in *YLJ* on employment discrimination against the homeless, wrote her piece directly in response to a disturbing experience while studying at a local coffee shop:

The idea arose when I was studying at Starbucks right next to campus. An elderly homeless woman entered Starbucks to escape the snow. An officer approached her and started yelling at her to buy a drink or get out. This got me upset for a number of reasons, including the fact that many students were in there working and had not purchased a drink. I offered to buy the woman a drink and the officer started yelling at both of us. The woman rushed out into the snow. The whole situation made me upset so I spoke to Professor Mike Wishnie and asked him what I could do. He suggested that I talk to homeless individuals in New Haven and ask them about the biggest problems they are facing. I followed his advice. The homeless individuals who I spoke to (in both one-on-one

Interviews and a focus group that I organized at Columbus House highlighted a number of issues, but discrimination in employment rose to the top of the list. As Golabek-



Goldman's story suggests, **if you are having trouble brainstorming a topic, consider reaching out to a professor, former boss, or even co-counsel on a case, if appropriate.** These individuals are steeped in their fields of law and typically encounter issues that they do not have time to explore in-depth in a publishable piece. Even if you have only a nugget of an idea, we encourage you to run it by others to get their take. You might find that your conversation leads you in a slightly different direction or opens up a broader area of research that could form the basis for publishable work.

### **B. Finding a Supervisor**

After you have identified an issue, generally the next step is to find a supervisor for your paper. Sometimes these two steps occur organically; your clinical professor who helped you generate your idea might best serve as your supervisor. If, however, your idea stems from a summer internship experience, or if your clinical professor is unavailable, you will need to identify potential supervisors in the law school. To that end, you should familiarize yourself with Yale's general policies on which members of the law school can supervise a paper, as well as professors' writing expectations, particularly if your piece may also satisfy the substantial or SAW requirement.

**Consider the forum in which you want to write your paper.** Should you sign up for an independent study? Or should you write it as part of a seminar that is already being offered? The benefits of an independent study are often individualized attention, greater independence, and a closer working relationship with the professor. Of course, there are also drawbacks: greater independence typically means a less structured writing and research environment, additional reading on topics that might be unrelated to your paper, and potentially fewer opportunities to discuss your ideas with other students. You could also seek a mixture of independent and more structured supervisory attention. As Thomas Scott-Railton explains, "While my work in clinic helped me hone the legal arguments that formed the core of the piece, at the second stage I found it very helpful to have the framework of a class to help turn these . . . into scholarly work. Through a seminar on impact litigation, I worked with the professor to produce an academic version of the piece. I then reached out to professors who I had worked with on other academic project[s] to help refine that [into a] Note."

**Regardless of which forum you choose, review the areas of scholarship in which professors specialize.** Do their areas of expertise overlap with yours? Even if your idea emerges from clinical work, would you benefit from a different perspective on the topic? As Gohara notes below, it is sometimes helpful to approach a professor after you've done some initial research on the relevant literature so you have a sense of what has been written and the direction you might take.

### C. Developing Ideas into Scholarship

Transforming ideas into scholarship is often the most difficult but ultimately most rewarding part of the writing process.

**Important practice point: If your topic arises from legal practice, check with your boss or supervisor that you have permission to write about the issue. You may need to adjust the focus of your paper so that you do not disclose confidential or privileged information.**

1. *Getting a Lay of the Land.* Many scholars begin by **reviewing the literature on the issue or question they have identified**. This is particularly important for practical scholarship, which often emerges from interactions with clients or clinical work. As Gohara explains, “I begin to read all I can about a question or a puzzle that interests me, and then I identify gaps in the research or analysis of the issue and target my research on that gap. I keep files of relevant articles and, once I have a robust body of research, I engage colleagues in brainstorming directions the writing might take. Usually any given topic can go in a number of directions, so I further focus the direction of the paper after spending time studying different facets of the issue and running those by colleagues, research assistants, and others in the field.”

Other authors began by **speaking with those affected by the central issue of their piece**. As Golabek-Goldman explains, “If you want to develop scholarship to help a group of people, it’s important to seek the perspectives of as many people in that group as possible in order to gain a deeper understanding of the issues that they face.” For example, after witnessing the disturbing Starbucks incident, Golabek-Goldman “first spoke to a number of people who are homeless in order to better understand the biggest problems that they face and narrow my research topic. . . . I then reached out to employers, homeless advocates, service providers, and employment specialists in order to gain additional insights regarding how and why homeless people are discriminated against.” It was only after Golabek-Goldman “had a deep understanding of the problems at hand” that she began “research[ing] successful tactics to combat employment discrimination in other contexts.”

In addition to speaking with members of the community and reviewing the relevant scholarship, authors also typically **talk with others in the field to develop their ideas**. “Clinic provided an excellent space for developing and expanding on my initial ideas,” notes Scott-Railton. “Supervisors suggested practitioners and scholars who worked on related subjects and helped . . . put me in touch with them. There turned out to be quite a few people in the broader immigrants’ rights community who were interested in my topic and people were exceptionally helpful about providing feedback and new ideas.” Roseanna Sommers similarly urges students to discuss their ideas “with people at

an early stage and let those conversations shape your piece as you write them.”

Through these conversations, you will likely refine the focus of your paper to address a particular purpose or audience. Jain characterizes this purpose as the “core idea you want to advance or critique, the question you want to answer, or the phenomenon you want to highlight.” After you have settled on your paper’s purpose and audience, “think about what research methods and sources would make the most sense. Then dig into it, see what you find, and organize the results in a cohesive narrative.”

2. *Setting Aside Time to Write.* Organizing the results into a cohesive narrative may be easier said than done. Students often struggle to **set aside time to write** practical scholarship, particularly if they are also involved in time-intensive clinics. There are a few practical strategies to address this problem. Jain “found it helpful to **focus my substantial and SAW on issues that arose out of clinical work**, since I had to write those anyways. Aside from that, I found it helpful **to work with a co-author for mutual accountability**, and we would just write whenever we had time.” Your paper will also undergo many revisions over the course of several months, perhaps even a year or two depending on the length of your piece.

You might also **identify a regular time of day or week to research and write**. Sommers, for example, typically drafts in the mornings, and Scott-Railton says he found it helpful to “block off fairly large chunks of time.” As a full-time public defender, Gohara “would devote four hours over a weekend day to researching and writing. Now that I am an academic, I usually set aside regular meeting times with my research assistants to discuss the direction of our research. I then spend time during the academic year reading and writing research memos, and beginning to outline topics, and I usually draft during school breaks.”

If your project involves significant empirical research or extensive interviews, the biggest piece of advice is to **start early**. Golabek-Goldman researched the subject of employment discrimination against the homeless over the course of her three years at YLS and completed her paper in her final year: “I generally lost track of time when writing on this topic because I found it so interesting! The editing process [also] took several months.”

3. *Overcoming Writers’ Block.* Aside from time constraints, all of the authors we spoke with hit writing roadblocks. When this happens, it can be helpful to take a step back and reconsider the purpose of your project. Jain advises, “Think carefully about how you want your piece to contribute—not just to the scholarly discussion, if any, but to the issue on which you’re writing. A lot of the answers to the other questions will flow from that.” And remember that writing in itself is a useful exercise to clarify your ideas, even if you’re not quite sure the final form that your piece will take. As Sommers notes, “even if the piece doesn’t end up in the pages of *YLS*” or another journal, “you can still get your ideas out into the world via . . . a blog [or] other op-ed. Writing is not going to

be in vain.”

## IV. Obtaining Feedback from *YLJ*

### A. Before Submission

The *Journal* offers feedback on practical scholarship in two primary forms: (1) Practical Scholarship Editors; and (2) Notes and Comments Development Editors.

Practical Scholarship Editors (PSEs) assist students at any stage of the writing process. The PSEs will help you brainstorm a topic, identify the type of student scholarship you might want to write (e.g., a Note, Comment, or *Forum* Essay), or offer feedback on an outline or draft. In the past, PSEs have also assisted students with their proposals to publish a piece in *YLJ*.

If you choose to write a Note or Comment, PSEs can also help you identify and request a Note Development Editor (NDE) or Comment Development Editor (CDE). Similar to PSEs, these editors provide substantive, stylistic, and organizational advice at any stage of the Notes or Comments writing process, from formulating an idea to polishing a finished piece. Prior to submission, NDEs and CDEs will also provide feedback on one full draft of a Note or Comment per drop date and answer any follow-up questions.

Unlike PSEs, however, NDEs and CDEs sit on the Notes & Comments Committee that reviews submissions for publication. **For this reason, NDEs and CDEs are recused from voting on Notes and Comments that they have discussed with students. This is because the Notes & Comments Committee is committed to a fully blind review process. It is important that you do not contact a Notes & Comments Editor directly to request his or her assistance in developing your Note or Comment.** Instead, email the Managing Editors to request an NDE or CDE by the deadline before the upcoming drop date. More information is available in the [Notes](#) and [Comments](#) Submissions Guidelines.

### B. After Submission

All students who submit a Note or Comment will receive one of the following Committee decisions: (1) acceptance of the Note or Comment; (2) a request to revise and resubmit the Note or Comment; or (3) a rejection. **Most pieces that are ultimately accepted for publication receive at least one request to revise and resubmit.** Students who receive a request to resubmit the Note or Comment will also receive a Revise & Resubmit letter (R&R), which provides constructive feedback on the strengths and weaknesses of the piece and advises the author on how to revise the Note or Comment to increase the likelihood of acceptance.

If you receive an R&R and have not previously worked with an NDE or CDE, you can request one to review the suggestions contained in the R&R. You are also welcome to contact the PSEs, regardless of whether or not you have worked with them on your piece previously. Note that *Forum* does not provide R&Rs and typically either accepts or rejects.

## **V. Examples of Practical Scholarship Published in YLJ**

*YLJ* regularly publishes Articles, Notes, Comments, and *Forum* pieces that are practical in nature. These are pieces that aim to influence courts directly, suggest strategies for practitioners, or stem from experiences in legal practice. We have compiled some examples of past and forthcoming pieces to demonstrate both the breadth of publishable topics and what a practical piece of scholarship might look like.

### **A. Articles & Essays**

Andrew Hammond, *Pleading Poverty in Federal Court*, 128 YALE L.J. \_\_\_\_ (forthcoming 2019).

Andrew Hammond, a Lecturer in Law at the University of Chicago Law School, undertakes a comprehensive study of how federal district courts determine when a litigant may proceed *in forma pauperis* in a civil lawsuit. His study confirms that courts lack standards for this question, producing discrepancies and inefficiencies in federal practice, and proposes a more streamlined, rights-respecting approach.

Monica C. Bell, *Police Reform and the Dismantling of Legal Estrangement*, 126 YALE L.J. 2054 (2017), <https://www.yalelawjournal.org/essay/police-reform-and-the-dismantling-of-legal>.

Monica Bell, Associate Professor of Law at YLS, critiques the reliance of police decision-makers on a simplified version of legitimacy and procedural justice theory, arguing that legal estrangement offers a better lens through which scholars and policymakers can understand and respond to the current problems of policing.

### **B. Notes & Comments**

Thomas Scott-Railton, Note, *A Legal Sanctuary: How the Religious Freedom Restoration Act Could Protect Sanctuary Churches*, 128 YALE L.J. 408 (2018).

Thomas Scott-Railton, YLS '18, argues that the Religious Freedom Restoration Act (RFRA) protects sanctuary churches from prosecution for harboring undocumented immigrants. Scott-Railton marshals this doctrinal analysis to argue

for a return to a bipartisan conception of religious freedom that focuses on the protection of minority rights and reflects the values underlying the near-unanimous passage of RFRA. Thomas's idea for this Note grew out of his work in WIRAC.

Scott Levy, Note, *Spending Money to Make Money: CBO Scoring of Secondary Effects*, 127 YALE L.J. 936 (2018), [https://www.yalelawjournal.org/pdf/LevyFinal\\_tfjvop.pdf](https://www.yalelawjournal.org/pdf/LevyFinal_tfjvop.pdf).

Scott Levy, YLS '18, argues that two particular scorekeeping guidelines in the congressional budget process cause Congress to regularly underfund agency enforcement and program integrity, even though such programs often pay for themselves through "secondary effects." He argues that repealing these two guidelines would generate savings, eliminate distortions in the legislative process, improve agency enforcement, and reduce regressive subsidies created by underenforcement. Levy's idea for this Note grew out of his 2L summer job at the Congressional Budget Office (CBO).

Nathan Nash, Solange Hilfinger-Pardo & James Mandilk, Comment, *The Tarnished Golden Rule: The Corrosive Effect of Federal Prevailing-Party Standards on State Reciprocal-Fee Statutes*, 127 YALE L.J. 1068 (2018), <https://www.yalelawjournal.org/comment/the-tarnished-golden-rule>.

Nathan Nash, Solange Hilfinger-Pardo, and James Mandilk, all YLS '17, examine reciprocal-fee statutes in Connecticut and other states, which allow both creditors and consumers to recover attorney's fees when they successfully prosecute or defend an action. They survey various definitions of the "prevailing party" and propose a standard that would aid states seeking to increase legal representation in consumer cases. Nash, Hilfinger-Pardo, and Mandilk successfully litigated this issue before the Connecticut Supreme Court with the Housing Clinic in the Fall of 2017.

Sarah Golabek-Goldman, Note, *Ban the Address: Combating Employment Discrimination Against the Homeless*, 126 YALE L.J. 1788 (2017), [http://www.yalelawjournal.org/pdf/h.1788.Golabek-Goldman.1868\\_gwo15f6u.pdf](http://www.yalelawjournal.org/pdf/h.1788.Golabek-Goldman.1868_gwo15f6u.pdf).

Sarah Golabek-Goldman, YLS '16, studies the obstacles to employment faced by homeless job applicants and offers potential solutions, including a "Ban the Address" campaign and possible federal and state causes of action. Golabek-Goldman's idea for this Note grew out of an issue that she observed in the local community.

### **C. Forum Pieces**

Christine Kwon & Marissa Roy, *Local Action, National Impact: Standing Up for Sanctuary Cities*, 127 YALE L.J.F. 715 (2018), <https://www.yalelawjournal.org/forum/local-action-national-impact>.

Christine Kwon and Marissa Roy, both YLS '17, explain how cities have emerged as crucial sites of dissent to President Trump's policies, arguing that San Francisco's sanctuary city laws (and litigation against the Trump administration) have provided a template for resisting federal intrusion on local autonomy. Christine and Marissa both worked on the *San Francisco v. Trump* litigation while students in the San Francisco Affirmative Litigation Project.

James Horner & Christine Kwon, *The Reach of Local Power*, 128 YALE L.J.F. 610 (2018), <https://www.yalelawjournal.org/forum/the-reach-of-local-power>.

Christine Kwon, YLS '17, and James Horner, YLS '19, provide a forceful defense of the authority given to district attorneys and certain city attorneys, along with the state attorney general, to bring actions to protect consumers statewide from predatory business practices under California's Unfair Competition Law. Lawsuits that seek to undercut local prosecutors' power by challenging their authority to seek and receive statewide relief for violations occurring outside county lines, they argue, would be both wasteful and dangerous—it would protect companies guilty of wrongdoing, not consumers.

Wally Hilke & Amit Jain, *Public Interests, Private Institutions? Public Policy Challenges to Tax-Free Universities*, 127 YALE L.J.F. 94 (2017), <http://www.yalelawjournal.org/forum/public-interests-private-institutions>.

Wally Hilke and Amit Jain, both YLS '18, propose ways in which states and localities could clarify or challenge sweeping property tax exemptions for private universities, focusing especially on Yale University's charter and Connecticut state law. Wally and Amit first researched this topic to aid with advocacy efforts in Connecticut, and then expanded their research for this piece.

Christopher Lasch, *A Common-Law Privilege To Protect State and Local Courts During the Crimmigration Crisis*, 127 YALE L.J.F. 410 (2017), <http://www.yalelawjournal.org/forum/a-common-law-privilege-to-protect-state-and-local-courts-during-the-crimmigration-crisis>.

Lasch, an Associate Professor at the University of Denver Sturm College of Law,

examines the common-law doctrine of “privilege from arrest” and argues that local courts should enforce the privilege to protect immigrants from the Trump administration’s practice of making immigration arrests in state and local courthouses.

#### **D. YLJ Pieces Cited by Courts**

Practical Scholarship often seeks to influence court doctrine directly, and courts do indeed cite *YLJ* pieces in decisions. Below are some examples of such decisions.

- Eleventh Circuit cites Alicia Sodow-Niederman *Beyond the Privacy Torts: Reinvigorating a Common Law Approach for Data Breaches*, 127 YALE L.J.F. 614 (2018) in a decision affirming the approval of a privacy-related class-action settlement. See *Muransky v. Godiva Chocolatier, Inc.*, 905 F.3d 1200 (11th Cir. 2018).
- Sixth and Ninth Circuits cite Maureen E. Brady, *The Lost “Effects” of the Fourth Amendment: Giving Personal Property Due Protection*, 125 YALE L.J. 946 (2016). <https://www.yalelawjournal.org/news/sixth-and-ninth-circuits-cite-vol-125-article>. See *Morgan v. Fairfield County*, 903 F.3d 553 (6th Cir. 2018); *Mendez v. County of Los Angeles*, 897 F.3d 1067 (9th Cir. 2018).
- Ninth Circuit cites Jonathan Meltzer, Note, *Open Carry for All: Heller and Our Nineteenth-Century Second Amendment*, 123 YALE L.J. 1486 (2014) and Eric M. Ruben & Saul Cornell, *Firearm Regionalism and Public Carry: Placing Southern Antebellum Case Law in Context*, 125 YALE L.J.F. 121 (2005). <https://www.yalelawjournal.org/news/ninth-circuit-cites-volumes-123-125>. See *Young v. Hawaii*, 896 F.3d 1044 (9th Cir. 2018).
- Supreme Court dissent cites Judith Resnik, *Diffusing Disputes: The Public in the Private of Arbitration, the Private in Courts, and the Erasure of Rights*, 124 YALE L.J. 2804 (2015). <https://www.yalelawjournal.org/news/supreme-court-dissent-cites-volume-124-article>. See *Epic Sys. Corp. v. Lewis*, 138 S. Ct. 1612 (2018).

## **VI. YLJ Volume 129 Contact Information**

**For questions about this Guide and about practical scholarship:** Practical Scholarship Editor, Jade Ford ([jade.ford@yale.edu](mailto:jade.ford@yale.edu))

**For questions about submissions:** Managing Editors, Josh Blecher-Cohen



([josh.blecher-cohen@yale.edu](mailto:josh.blecher-cohen@yale.edu)) and Peter Kallis ([peter.kallis@yale.edu](mailto:peter.kallis@yale.edu))

**For questions about Notes & Comments (not specific to your project):**

Executive Editor of Notes & Comments, Briana Clark ([briana.clark@yale.edu](mailto:briana.clark@yale.edu))

**For questions about *Forum* pieces (not specific to your project):** Executive Editor of *Forum* & Features, Sasha Dudding ([sasha.dudding@yale.edu](mailto:sasha.dudding@yale.edu))

**For other questions about *YLJ*:** Editor-in-Chief, Ela Leshem ([ela.leshem@yale.edu](mailto:ela.leshem@yale.edu))

Many thanks to the Volume 128 Practical Scholarship Editors Diana Lee and Amy Hausmann for co-authoring this guide.