

UNIVERSITY OF LOUISVILLE LAW REVIEW

INSTRUCTIONS FOR APPLICANTS:

Thank you for your interest in the *University of Louisville Law Review*. Please adhere to the instructions below when submitting your application.

Application:

The application consists of three parts:

1. Writing Sample
2. Editing Assignment
3. Grade Release Form

For your writing sample, we ask that you send a portion of the Argument section of your Lawyering Skills appellate brief, limited to fifteen (15) pages. Do not send the entire brief. If you worked with other students on the brief, the excerpt you submit **MUST** be substantially your own work. Please indicate which party you represent at the top of your sample.

The grade release form must be physically signed. Please print the release and sign your name. You may turn in the physically signed form to the law review office or you may choose to scan the release back into an electronic form. If you do not have access to a scanner, there are some available in the library or phone apps such as GeniusScan, Tiny Scanner, and Scannable are convenient ways to scan documents.

Submission:

Please submit your application as an attachment via email to the Senior Notes Editor, James McSweeney, at james.mcsweeney@louisville.edu. You will receive a confirmation email within 24 hours informing you of its receipt. All application materials **must** be submitted by **5:00 p.m. on Friday, May 10, 2019**. Applications that are incomplete or are received after the deadline will not be considered.

Membership Offers:

Membership offers will be extended by the Editor in Chief, Kirk Mattingly, by **Monday, May 20, 2019**. Mandatory orientation for first-year members is schedule for **Saturday, June 1, 2019**. If a membership offer is extended, and an unmovable conflict arises on that day, contact the Senior Notes Editor, James McSweeney, at james.mcsweeney@louisville.edu.

Honor Code:

The completed editing assignment should be solely your work product. You should edit the entire assignment yourself. By submitting an application for membership on law review, you are agreeing to comply with the law school's honor code with respect to all application materials.

Good luck and thank you for applying for membership with the *University of Louisville Law Review*. If you have any questions with the application process, or if you have problems with the submission itself, please contact James McSweeney at james.mcsweeney@louisville.edu or Kirk Mattingly at kirk.mattingly@louisville.edu.

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GRADE RELEASE FORM:

I consent to the release of my cumulative grade point average for all courses I have taken in law school (either while at the University of Louisville, Brandeis School of Law or any other law school) for the purpose of evaluating my application to the *University of Louisville Law Review*. I realize that this consent is prospective and may be revoke by me at any time.

Printed Name

Signature

Date

Personal Information:

Student number (7-digit number on your student ID card): _____

Current year in school as of Spring 2018 (1L, 2L, 3L, or 4L): _____

Division (full or part time): _____

Anticipated year and division for Fall 2018 (e.g. 2L full time): _____

Anticipated graduation date (month, year): _____

Have you completed your writing requirement? _____

Have you applied for membership with *Law Review* previously? _____

Email where you can be contacted this summer: _____

Address and phone number where you can be contacted this summer:

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VOLUME 58 EDITING ASSIGNMENT:

Assignment Instructions:

Attached is an example of part of a (purposefully poorly written) Law Review Note. Correct as many problems with the writing as you can find. There is no punishment for correcting something that we do not consider to be a problem. Most of the errors relate to grammar and proper citation format. Assume the source specified in the footnote is correct. However, this does not guarantee that the citation in the footnote conforms to the proper Bluebook format. As an initial piece of information, in an academic footnote, the case name will not be italicized. *See* Rule 2.1(a) in the Bluebook or Rule 12.2(a)(2) in ALWD.

Any edits that you feel are necessary may be done in one of two ways:

1. **Electronic:** you may use Track Changes, add comments, or change the font color with any changes that you choose to make; or
2. **Written:** you may choose to print the editing assignment and hand write your suggested changes in pen that is a different color. If you choose this method, you must still scan the completed assignment and email an electronic copy with the rest of your application materials. If you do not have access to a scanner, there are some available in the library or phone apps like GeniusScan, Tiny Scanner, and Scannable are convenient ways to scan documents.

If you have any questions or concerns about the editing assignment, please email our Senior Notes Editor, James McSweeney, at james.mcsweeney@louisville.edu.

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VOLUME 58 EDITING ASSIGNMENT:

In 1966, the *Miranda* Court introduces the procedural safeguards of informing individuals of their rights, and providing the opportunity to invoke them.¹²⁹ Nearly thirty-years later, the *Davis* Court refined the standard for successfully invoking ones right to council.¹³⁰ But between 1966 and 1994, the *Miranda* jurisprudence splitt in four directions:¹³¹ (1) a *per se* standard,¹³² a sort of ‘everything goes’ benchmark, giving affect to ambiguous words and those creating a reasonable inference of invocation,¹³³ (2) a clarification standard, instructing officers to ask individuals to clarify they’re statements,¹³⁴ and (3) a threshold-of-clarity standard, “seizing upon any hedges” to disqualify invocation attempts.¹³⁵

The *per se* standard most closely reflects the *Miranda* requirement, that suspects claim their Fifth Amendment protections “in any manner”.¹³⁶ Louisiana was one of at least eight states where judges took this approach¹³⁷ but the Louisiana Supreme Courts more recent holding in *Demesne*¹³⁸ reflects a shift to the threshold-of-clarity standard and the threshold-of-clarity standard likely informed the Court’s holding in *Davis*.¹³⁹ Judges in about approximately a dozen states upheld a threshold-of-clarity standard prior to *Davis*.¹⁴⁰

¹²⁹ *Miranda v. Ariz.*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2 694 (1966).

¹³⁰ *Davis v. United States* 512 U.S. 452 (U.S. 1994). *See also* *Berghuis v. Thompkins*, 560 U.S. 370 (2010) (adopting the standard set out in *Davis* for invoking the right to remain silent).

¹³¹ *See* Ainsworth, *supra* note 90, at. 259.

¹³² *Id.* at 306.

¹³³ *Id.* at 307.

¹³⁴ *Id.* at 308.

¹³⁵ Ainsworth, *supra* note 90, at 302.

¹³⁶ *Miranda v. Ariz.*, 384 U.S. 436, 444-445 (1966).

¹³⁷ Ainsworth, *supra* note 90, at 306 n. 245; *see also* *State v. Abadie*, 612 So. 2d 1, 5 (1993).

¹³⁸ *See supra* Part I.

¹³⁹ In calling for clarity, the Court held ambiguous, equivocal, and even potential invocations to be insufficient. *Davis v. United States* 512 U.S. 452, 459 (1994).

¹⁴⁰ Ainsworth, *supra* note 90, at 302, n. 217.