

KDC COMMON DEFENSE AUTHOR GUIDELINES

Original Articles

The KDC Publications Committee accepts original articles for *Common Defense* that have not previously been published.

Authorship Credits

Articles may be written by multiple authors. KDC recognizes two levels of authorship credit: full and brief credit.

- **Full Credit:** each author is named in the byline at the beginning of the article; each author's photograph is printed in the magazine, next to her or her full biographical statement. An author receiving full credit indicates that the author is a co-equal contributor to the article.
- **Brief Credit:** not named in the byline; no photo; a brief sentence at the end of the author(s)'s biographical statement to the effect that the individual receiving Brief Credit "assisted in the research/preparation of this article."

KDC relies on the lead author for direction on the matter of authorship credit, and therefore, the lead author, based on his or her knowledge of the actual preparation of the article, must inform the KDC as to who will properly receive which credit.

Photographs

Author photos *must be in color*. They must be front-face "mug shots." "Business dress" is strongly preferred: coat and tie for men, the equivalent for women. Digital photos are preferred. A minimum resolution of 300 ppi is required.

Author's Biographical Statement

To accompany each author photo in the published magazine, several lines (50–75 words) of biographical information, to be supplied by the author(s), are needed, including: name; city of residence/practice; professional affiliation (*e.g.*, name of current law firm); title within the organization (*e.g.*, partner, associate, of counsel); areas of law practice; activity within KDC; and memberships in defense lawyer organizations (*e.g.* DRI or another state organization). The KDC Publications staff will be able to write the final biographical statement. What we request from the author is a draft statement, including all of the content listed above.

Contact Information

KDC's Executive Director's contact information is as follows:

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Your contact and the person to whom you should send your manuscript, biographical information, photograph, and any questions is:

Kristen Fowler, KDC Publication Committee Chair
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Manuscript Submission

All article manuscripts are sent, first, to the Publication Committee Chair. The Chair will, after review, forward it to the Editorial Subcommittee for processing.

All manuscript submissions should be via e-mail. An acceptable alternative is a CD-ROM or flash drive sent by regular mail.

Manuscript Format

The KDC Publications Committee strongly prefers that all manuscripts be submitted in Microsoft Word® format.

Please try to avoid using footnotes or endnotes. Routine citations to authority must be integrated into the main body of text. Other material that you may be tempted to place in a footnote should be integrated into the main body of text (or deleted altogether, if the author does not deem it especially important information), where possible.

Manuscript Content

The audience for your writing is overwhelmingly Kentucky lawyers with a defense-oriented practice. Thus, the treatment of your topic should focus on Kentucky law. Of course, some topics could lend themselves to a discussion of law from other jurisdictions – for example, a discussion of how Kentucky law reflects or bucks a national trend; a discussion of federal civil procedure within the Sixth Circuit, etc. Remember, what these readers want to see is practical information that will help them in their next lawsuit or as they counsel clients.

Every article should be a mixture of two fundamental elements: (1) an analysis of legal developments (court decisions, legislation, etc.) directly relevant to your topic; and (2) practical advice based on that analysis that is aimed at assisting the defense lawyer when he or she encounters this subject matter in litigation. The mixture could be 90 percent law and 10 percent practical advice, or the reverse, or any proportion in between.

Avoid basing your entire article on only one legal development (*i.e.*, a court decision or a single piece of legislation), no matter how important you deem it to be. Certainly, one could devote two or three pages to a recent Kentucky Supreme Court decision, or to a recent legislative

enactment, but that discussion should be preceded and/or followed by several pages of analysis of related developments and the impact the decision will have on the practice of the typical defense lawyer who practices in that area. Similarly, avoid “case notes.” These are the paragraph-by-paragraph bare reviews of the facts and holdings of a string of recent decisions, with minimal analysis of how they relate to each other and other legal developments.

Organization of Textual Material

Each article should contain a title that is, at most, 7 or 8 words in length.

Each article should begin with a 1-3 paragraph introduction. It should end with a 1-3 paragraph “wrap up” conclusion.

The bulk of the article should be organized into sections (and perhaps subsections), each with a 2-6 word subhead that describes the subject matter of the text that immediately follows. There is no set length for each section, but it should probably be anywhere between two paragraphs and three manuscript pages (double line space). The point of having sections is to help the reader, who may become weary of reading page after page of solid text with no break. Sections also alert the reader to a shift in textual subject matter. Think of the subheads as chapter titles in a book.

Citation Style

Judicial Decisions (state): Case captions should be in italics. Citation should be to the appropriate regional reporter, for published state court decisions. For unpublished state court decisions, provide a Westlaw and/or LEXIS cite. Citations to Kentucky cases should follow the modern practice of placing the indication of the court (i.e., “Ky.” or “Ky. App.”) in a parenthetical with the date of the decision, not the traditional practice of putting the indication of the court before the reporter citation. Finally, if quoting from a court’s opinion, provide “pinpoint” citations to pages of the opinion.

Judicial Decisions (federal): For United States Supreme Court decisions, cite only to U.S. If U.S. cite is not yet available, cite only to S.Ct. For published Circuit and District Court cases, cite to the Federal Reporter and Federal Supplement, respectively, or, if available, the

Federal Appendix. For unpublished Circuit and District Court decisions, provide only a Westlaw and/or LEXIS cite (there is no need to provide a table cite for unpublished Circuit Court decisions).

If citing a trial court proceeding that is not in Westlaw or LEXIS, try at least to provide a docket number, with the name of court, date, etc.

Please feel free to use abbreviated citations where appropriate (i.e., “*id.*”; “*Smith, supra.*”; “*Smith, supra*, 123 S.W.3d at 456.”).

Statutes: Do not include the “Sec.” “§” or other indicators of a section number for Kentucky statutes. For example, cite to “KRS 123.456(7),” not “KRS § 123.456(7).”

For all other citation issues, KDC will follow *A Uniform System of Citation* (the Blue Book). Bear in mind that the fundamental justification for citations in articles is to tell the curious reader where he or she can find the original text or a more detailed treatment. Your citation should provide a path to that treatment. All we ask of the author is to try to provide us with at least a clear indication of the source of the cited material, and a good faith attempt to provide citations in conformity with the above style and the Blue Book. We will be able to correct any deviation. Your efforts will give us a “head start” in this process.

Article Length

The preferred length for articles to be published is 3,000 to 5,000 words. That range translates to 12–20 manuscript pages. These parameters are not set in concrete – a few hundred words shorter or a few hundred words longer may be acceptable.

Editorial Process

We want each author to produce a polished piece of research and writing. When the author sends his or her final product to the Publications Committee Chair, it should, in the author’s opinion, be ready for publication. We do not want to receive a rough draft.

Nevertheless, the KDC Publications Committee and the Editorial Subcommittee will review each article very closely, for its literary quality, its internal organization, and the accuracy of its references to legal and other authority. We shall share all editorial modifications with the author and be receptive to any suggestions for final changes.

Deadlines

The Publications Committee Chair will inform you about dates on which he or she needs some sort of outline of your article, as well as the final submission date.

A key principle in setting deadlines is that all authors should have plenty of time to do a thorough job in researching and writing their articles, and then polishing and updating it just before submission. We do not want an article that is “slapped together” in a day or two. So, a deadline should usually be set to allow the author at least a couple of months to write and submit.

However, once mutually agreed upon, the deadline is a serious commitment, a date on which satisfactory manuscript *must* be submitted to the Articles Coordinator. Failure to adhere to the deadline may result in not being published in the planned issue, or not being published at all.

Remember Your Audience

In closing, the key bit of guidance that should always be foremost in your mind as you prepare your article is: EDUCATE THE READER. You are sharing your knowledge and experience with KDC members and other readers of the magazine. They will view you as the authority on the particular subject matter. They are looking for practical information on how to handle their next claim/dispute/trial. Give it to them!