

MCLE Editor and Author Guide

A HANDBOOK FOR MCLE EDITORS AND AUTHORS

- Introduction to MCLE Press
- Support from MCLE Press Staff
- The Editor's Role
- The Author's Role
- Submitting Your Manuscript: Technical Preparation
- MCLE's Book Production Processes
- Updating Your Chapter: The Supplementation Process
- Publishing Formalities

Dear Colleague,

Thank you for agreeing to edit or author an MCLE book.

With over fifty years of experience in providing continuing professional education for Massachusetts lawyers, MCLE has earned a national reputation for excellence in CLE. The strength of the organization is based in large measure on the hard work and goodwill of the volunteers who have preceded you. By participating on an MCLE book project, you are continuing the legacy established by other volunteers by sharing your expertise with the legal community. We recognize your commitment to MCLE and continuing legal education and greatly appreciate your involvement, which helps us to maintain the high standards that our customers have come to expect from MCLE products.

A lawyer's primary reason for buying an MCLE book is to upgrade or expand his or her practice abilities. Ideally, readers will reference your book or chapter confident in their ability to incorporate into daily practice the information, insights and guidance presented in your materials. Therefore, we encourage an emphasis on practical content.

Because of the ever-changing nature of technology and practice, more and more practitioners are demanding electronic access to information. In response to this demand, MCLE is increasingly making its information available electronically. Currently, many of MCLE's products are available on disk (e.g., forms on disk), on CD-ROM, and online through Westlaw and loislaw.com. Plans are underway to provide rich content on MCLE's Web site. Therefore, MCLE is able to provide access to your content in a variety of print and electronic formats.

This packet was prepared by MCLE Press to introduce you to MCLE's book production process and the MCLE Press staff and to assist you in your role as an MCLE editor or author. Please take the time to read it carefully. The recommendations are the product of MCLE's experience in developing legal reference books to address the practice needs of the Massachusetts bar. Please note that publishing MCLE books differs from producing MCLE course materials; technical specifications will vary accordingly.

We hope your experience as an MCLE editor or author is pleasant and rewarding. We invite you to contact our staff if you have any questions or concerns regarding the preparation of your materials or your role in this project.

Sincerely,



John M. Reilly, Esq.
Executive Director



Maryanne G. Jensen, Esq.
Director of Publications

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Part 1

Introduction to MCLE Press

MCLE Press strives to provide feature-driven manuals that focus on practical information and applied law in seven practice area libraries: Business and Commercial Law, Civil Litigation, Criminal Law, Employment Law, Estate Planning and Administration, Family Law, General Practice, Personal Injury Law, and Real Estate and Environmental Law. Generally, our emphasis is on Massachusetts law and federal law as practiced in the Commonwealth. Over the years, MCLE customers have come to look to and rely upon our publications for the particular nuances of Massachusetts practice. In addition, MCLE Press is dedicated to supplementing our books regularly to help keep Massachusetts lawyers informed and up to date.

MCLE Press complements MCLE's program department. Although separate components of MCLE, they both have the same goal: to develop and offer the highest quality CLE products and services in order to set a standard of CLE excellence and help enhance the caliber of competent and ethical services provided to clients by Massachusetts lawyers.

In furtherance of that goal, MCLE seeks to enhance its research and development efforts by taking the lead in

exploring new educational concepts and employing innovative and state-of-the-art technologies. For example, beyond books and seminars, MCLE currently makes information available on disk and CD-ROM (through a collaboration with Law Office Information Systems), and plans are being implemented to include MCLE materials in other electronic forms as well, including traditional computer-assisted legal research tools (*e.g.*, WestLaw) and the Internet via MCLE's Web site (*www.mcle.org*).

MCLE'S COLLECTION

MCLE is proud of its growing collection of publications designed to provide Massachusetts lawyers with the latest developments in statutory and case law, procedural steps, helpful insights and forms that serve as models for practice. Currently, MCLE maintains a collection of more than 60 titles in seven different practice areas.

In order to meet the practical needs of our customers, MCLE Press offers several product lines:

- Practice Manuals
- QuickChecks™
- Sourcebooks
- Court Speaks Series
- Monographs
- Massachusetts Law Reform Institute (MLRI)
Collaborative Poverty Law Publications

Practice Manuals

MCLE develops practice manuals in an effort to provide practical secondary source legal information to the Massachusetts legal community. They are published in blue

three-ring binders to allow for easy supplementation. These manuals provide expert commentary on major parts of various areas of law and include sample clauses, forms and various exhibits to help illustrate chapter content. MCLE currently maintains more than 50 practice manuals and continually has others in production.

QuickChecks™

MCLE QuickChecks™ are concise, step-by-step chronological guides covering specific legal transactions, such as *Collecting Civil Judgments* and *Moving for Injunctive Relief*. They generally are single-author guides that instruct the reader on what to do, and how and when to do it. Each QuickCheck™ goes through a review process, during which another respected expert in the field reviews the manuscript and makes editorial and substantive comment. Each QuickCheck™ is designed to serve as an instant reference, is focused on a single topic and is limited to the essential steps required to carry out a transaction. In addition, QuickChecks™ include forms to make drafting easier. Marginal notes and descriptive active headers allow the reader to obtain an overview of the specific area of law quickly and effectively.

Sourcebooks

A relatively new product line, the concept of the sourcebook was derived from its predecessor compendium models, beginning with the *Compendium of Massachusetts Criminal Law*, which was first published in 1985. The sourcebooks are 8 ½ x 11 softbound publications that are revised annually and are designed as both a desk reference and portable reference library of statutes relevant to the particular practice area, concise annotations, procedural rules, relevant guidelines and commentary on specific issues where appropriate. They are intended to be practical and easy-to-

use and each include a detailed index, as well as various other features to allow for quick and easy access.

The Court Speaks Series

Currently, MCLE publishes three books in this series, including *The U.S. District Court Speaks (District of Massachusetts)*, *The U.S. Bankruptcy Court Speaks (Region I)* and *The Probate and Family Court Speaks*. Each book contains a compilation of responses by all the judges of the respective courts to a comprehensive survey of questions designed by experts. These unique publications provide practitioners with insight into the courtroom practices and procedures of individual judges. These books are amenable to other useful features as well, such as judicial biographies, photographs, courthouse directories and directions. They are designed to be portable references, easily fitting in a briefcase.

Monographs

MCLE also publishes books on specific issues and practice areas that do not necessarily fit into one of our other categories. In varying softcover formats, these books are written by one or two authors and include such titles as *Boston Zoning: A Lawyer's Handbook*, *The Internet Guide for Massachusetts Lawyers*, *Real Estate Tax Abatement Practice and Procedure*, *Practice Before the Massachusetts State Ethics Commission* and *How to Build a Law Collection*.

Massachusetts Law Reform Institute (MLRI) Poverty Law Collaborative Publications

MLRI is a nonprofit advocacy group that provides educational and outreach services to low-income, elderly and disabled people. In 1993, MCLE and MLRI entered into a

collaboration utilizing the publishing expertise of MCLE and the substantive know-how of MLRI to publish manuals and advocacy guides that are both affordable and easy to read. The MCLE/MLRI series include such titles as *Legal Tactics: Self-Defense for Tenants in Massachusetts*, *The Advocate's Guide to Surviving the SSI System* and *Massachusetts Unemployment Advocacy Guide*.



Part 2

Support from MCLE Press Staff

The MCLE Press staff is a team of publishing professionals who are available to assist you and answer questions at every stage of your writing project. Our staff attorneys, copy editors and publications assistants welcome the opportunity to work with you. Here is a sketch of MCLE Press and whom you should contact with questions, concerns or problems. To reach staff members listed, call 617-350-7006 or 800-966-6253 and enter the extension number as directed.

BOOK DEVELOPMENT

Our book projects are coordinated by a publications attorney. Most questions should be directed to one of these staff attorneys, or their assistants.

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SUPPORT SERVICES

We provide the following professional editorial support for all book manuscripts:

- **citechecking**, to ensure that the statutory and case law cited is up to date at the time of publication and that the citation style is accurate and standardized;
- **copy editing**, to ensure clarity and consistency in style and to conform manuscripts to MCLE's house style and guidelines;
- **legal reviewing and editing**, to confirm that the copy editor has not altered legal meaning and to provide, where appropriate, suggestions regarding content to the editor and author;
- **typesetting and formatting** on our in-house desktop systems; and

- **time management** of the overall publishing project of which your chapter is a part, to ensure that MCLE moves expeditiously through the production process toward a timely publication date. For a more detailed explanation of the production process to provide you with context, please see Part 6.

Because each project is unique, MCLE tries to tailor the process accordingly. Therefore, when a project calls for other forms of support, the MCLE staff will do what it can to accommodate your needs as you prepare your materials.

Part 3

The Editor's Role

CHIEF EDITOR

There are several types of volunteer editors, all of whom play crucial roles in the production of MCLE books. Generally, all of MCLE books include a chief editor who, along with the MCLE staff attorney, is responsible for:

- working directly with MCLE staff;
- developing an outline for the book;
- identifying authors for each chapter and specialty editors where appropriate;
- when possible, meeting with all participants to launch a project;
- reviewing and editing manuscripts;
- answering questions asked by the authors;
- preparing an introduction or preface to be included in the book;
- assisting in the development of marketing copy, as needed; and

- most importantly, helping to maintain momentum and keep the project on schedule.

In our experience, the more active a role the volunteer editor plays, the more successful the publication. The constructive dialogue that occurs between author, editor and the MCLE staff attorney often results in a stimulating exchange of ideas, a more rewarding experience and a sharper focus to the manuscript.

Revised Editions

If the law and practice relevant to the issues covered in a publication have changed substantially, MCLE may decide to revise the title to reflect such changes occurring since the most recent publication. The Revised Edition is also an occasion for the Editor and the MCLE Publications Attorney to reconsider chapter topics and authors and to make any necessary changes. The revision process follows the procedure for new titles.

SPECIALTY EDITORS

More increasingly, we are engaging other types of editors to play thematic roles in the production of MCLE books. Depending on the type of publication, MCLE recruits volunteer editors to provide specific forms of commentary, which is interspersed and highlighted throughout the book. Refer to the following page for an illustration of how these features appear in print.

Ethics editors review the manuscript and prepare ethical commentary that outlines professional standards of conduct to be followed by practitioners. Where appropriate, ethical commentary makes reference to pertinent case law and ethical rules. For example:

Ethical Commentary

Ordinarily, the *voir dire* does not present ethical issues. However, counsel should be aware of DR 7-108(G), which mandates that a lawyer must reveal improper conduct by a venireman. Also, counsel should not curry favor with the potential jury. See *Johnson v. Trueblood*, 476 F.Supp. 90 (E.D. Pa. 1979).

Judicial editors are chosen to review manuscripts and prepare tips on courtroom practice, judicial perspectives and judges' expectations. These commentaries embody the judicial editor's reactions to statements and principles discussed in the text. For example:

Judicial Commentary

Letters to the court usually are not welcomed by the judge. They are awkward because they are *ex parte* communications. Letters are not considered filings subject to Super.Ct.R. 9A, and sometimes the judge does not know what to do with them. Usually, the judge expects a response letter from opposing counsel, which is like waiting for the other shoe to drop. Also, if the judge has moved to another session, the letter may not reach the judge for some time and, when it does, the judge will not have the case file on hand.

Other types of specialty editors include *ADR editors* who provide practice tips on alternative dispute resolution mechanisms and processes; *tax editors* who review the manuscripts and highlight tax issues, IRS/Department of Revenue practices and tax traps to avoid; and *agency/regulatory editors* who provide guidance as to regulations, enforcement and other regulatory matters relevant to chapter discussions. Where appropriate, relevant case law, agency law and practice (*e.g.*, revenue rulings, etc...) and regulations should be noted.

Part 4

The Author's Role

The chapter author plays as important a role as the chief editor in shaping the content and usefulness of an MCLE publication. Without your involvement, we cannot publish books. We appreciate your commitment to MCLE and will do everything we can to support you in this endeavor.

AUTHOR MEETINGS

Whenever possible, we try to schedule a meeting of authors, volunteer editors and the MCLE staff attorney to “launch” the book. These meetings are a way for the authors and editors to meet and engage in constructive dialogue and make decisions that will impact the publication. At this meeting, we discuss timelines, technical issues, chapter content, potential overlap, gaps and omissions and types of practical features and exhibits to be included. We have found that this type of interaction between authors and editors results in a heightened experience for all those involved in the project.

Because MCLE’s book projects often involve many authors, the “launch” meeting is not always feasible, in which case, we strongly encourage authors and editors to meet

individually to discuss their chapters and exchange ideas. The MCLE staff attorneys will facilitate and attend these individual meetings, and MCLE is always happy to host such meetings at its facility in Boston.

CONTENT AND STYLE

As is often the case with multi-authored works, variations in author style make each chapter of an MCLE publication unique. Individual writing styles can be an asset to a publication whose authors are chosen for their unique contributions to legal practice. Because MCLE publications focus on practical information, we encourage you, regardless of your particular style, to use a hands-on, pragmatic approach and to share your experience as well as your knowledge of the law.

To enhance the practical value of your manuscript, we strongly encourage you to incorporate into your text the following features:

Practice Notes

Practice Notes are useful tips prepared by the author on how to handle particular situations, offering specific strategies and procedural steps to follow or helpful general rules to incorporate into everyday practice. They may also provide warnings as to practices and traps to avoid. MCLE will format Practice Notes in such a way as to distinguish them from the rest of the text.

Practice Note

The unlimited gift tax marital deduction is important when planning. It allows the couple to equalize their assets and to make sure that each spouse has sufficient assets in his or her name to take advantage of the unified credit and the generation-skipping tax exemption. The marital deduction may also be used in estate and asset protection planning.

Practice Note

You should consider a motion to strike affidavits that are not based on firsthand, personal knowledge or are otherwise improper. If the motion to strike is not made, the court may consider and rely on hearsay statements included in your opponent's affidavits.

Text-Embedded Examples

Text-embedded examples illustrate the principles discussed in the text. They may take the form of hypothetical fact patterns, sample clauses, sample dialogues, calculations, etc.

Example. Your client, who lives on Nantucket, was a witness to an accident in Worcester, and his deposition will surely need to be taken. The question is, where? You should yield to obviously fair requests when your client receives a deposition subpoena and let counsel know that you have no objection to the deposition. However, if your client does not want to or cannot reasonably be expected to travel from Nantucket to Worcester for his deposition, let counsel know. In part of your motion for a protective order (protecting the client from being required to travel from Nantucket to Worcester), propose that your client is willing to make himself available at a reasonable time for the deposition, as long as it is taken on Nantucket; then, offer a location, even the client's home, to increase the likelihood of your motion being granted.

Example. Donor purchases stock at \$10,000. Donor holds stock for more than one year. Donor gives stock to Charity when the fair market value of the stock is \$20,000. Donor is taxable at the highest marginal rate. If Donor sold the stock, Donor would pay tax on the gain as follows:

| | |
|------------------------------------|---------------|
| Fair market value of the property: | \$20,000 |
| Basis of property: | <u>10,000</u> |
| Gain: | 10,000 |
| Capital gain tax rate: | <u>.28</u> |
| Tax on gain: | \$ 2,800 |

Donor's tax saving as a result of the charitable deduction is as follows:

| | |
|------------------------------------|-------------|
| Fair market value of the property: | \$20,000 |
| Income tax rate: | <u>.396</u> |
| Tax savings: | \$ 7,920 |

Donor's total tax savings as a result of the gift is as follows:

| | |
|-------------------------------------|--------------|
| Tax avoided on gain: | \$ 2,800 |
| Charitable deduction tax reduction: | <u>7,920</u> |
| Total tax savings: | \$10,720 |

Example. A is an income beneficiary of a trust, may receive principal in the discretion of an independent trustee and has a general power of appointment. A may disclaim his entire interest in the general power without disclaiming his other interests in the trust. *See* Treas.Reg. § 25.2518-3(d) ex.21; Priv.Ltr.Ruls. 91-04-041, 90-46-035, 90-43-055, 89-35-024, 87-21-012.

Reference to Controlling Authority

Precedent and *controlling authority* are essential to any argument. Important statements and principles should be supported by a key case or definitive authority. Although relevant citations are useful, MCLE publications are not treatises; therefore avoid string cites and footnote references.

Sample Forms, Documents and Other Exhibits

Sample pleadings, letters, guidelines, illustrative charts, diagrams and completed forms all enrich the chapter text and should be included at the end of every chapter and, where appropriate, throughout the chapter. Bibliographies, glossaries of terms, lists of acronyms and abbreviations, official forms and other types of appendices are also very useful. Effective learning tools, visual aids reinforce points raised in the text and add variety to chapters. MCLE is increasingly offering a customizable forms-on-disk component distributed with the publication. Such a component includes all original word-processed sample clauses, forms and other documents submitted by the authors.

Sample Clauses

Sample clauses are important additions to your text, providing precise language that the reader can adapt to his or her documents.

Noncompetition. The Employee agrees that, during the term of his employment with the Company and for a period of one (1) year thereafter, he will not, directly or indirectly, render services to, work for or on behalf of, have an interest in, make any loan to, or assist in any manner any business that is substantially similar to or competitive with that in which the Company was engaged or planned to engage on the date of the Employee's termination from the Company. The foregoing shall not prevent the Employee from owning up to one percent (1%) of the outstanding securities of a publicly held corporation that may compete with the Company.

Checklists

Checklists are graphic aids to the reader. They may appear at the end of the text (to recapitulate major points or provide guidelines) or may be used throughout the text (to list procedural steps or highlight points that the reader should consider while reading the chapter). Checklists should be concise and capable of providing encapsulated guidelines or information.

Chapter Summaries

At the beginning of each chapter, this feature, like a thoughtful preface or introduction, summarizes the contents of the chapter and provides a roadmap as to the important issues addressed in the chapter.

Cross-References

To facilitate the conversion of MCLE's print publications to electronic products, print publications do not include cross-

references to other chapters within the same book. Cross-references to sections within a chapter or to another book may be used. MCLE provides multiple resources in each of its print publications to assist the reader in finding relevant information, including general and detailed tables of contents, index tabs, tables of authorities, and a subject index. These tools, coupled with the level of sophistication of MCLE's customers, provide sufficient guidance to the content of a print publication, and electronic products can be accessed through a powerful search engine that eliminates the need for cross-references.

Bibliographies of Additional Reference Sources and Internet Research Sites

Lists of additional references help point the reader in the right direction for further practical study. These lists can include other MCLE books and seminars as well as books from other publishers, law review articles and products offered by other CLEs. Moreover, because of the increased presence and use of technology and the Internet, a list of websites relevant to a particular practice area or subject are very useful to practitioners. Such practical aids provide the reader with access to other helpful references and makes your chapter a more complete and effective research tool.

Scope Notes

Once you have finished writing your chapter and have selected supporting exhibits, please distill your work into a one-paragraph “scope note.” The scope note should summarize your article and exhibits succinctly, so that the reader can see exactly what is covered in the materials. Think of the scope note as an abstract that also serves to whet the reader’s appetite for the information you have provided. The scope note should appear as the first paragraph of your chapter. An example follows:

Scope Note

This chapter sets forth the simplest model for categorizing the securities that make up a business's capital structure; that is, by distinguishing between debt and equity securities. Beginning with equity and then moving on to debt securities, **Part I** presents the six characteristics of each structure that are most significant in a general business environment. **Part II** discusses basic concepts that should be applied in the planning and development of capital structures. **Part III** covers capital structures that are debt/equity hybrids, including "bond-like preferred stock" and "debt with an equity kicker." **Part IV** lists and discusses several devices, such as stockholder voting agreements and voting trusts, used by stockholders in a corporate context to gain voting control and to accomplish such objectives as preventing a merger or creating a deadlock of a board of directors that can result in dissolution of the entity.

GENERAL WRITING TIPS: DOS AND DON'TS

DOs

- Prepare a chapter manuscript that is approximately 20-25 pages in length.
- Remember who your audience is. Generally, readers are primarily solo or small-firm practitioners, many of whom are "novices" in a particular field. Therefore, it is important to lay the groundwork before delving into more sophisticated analyses and topics.
- Explain and define terms nonspecialists are unlikely to know. Spell out unfamiliar abbreviations and acronyms.
- Write in a direct, conversational tone, as though you were acting as a mentor to a junior associate. Your writing should be in complete prose (versus outlines or case listings).
- Be comprehensive. Cover all steps. What might be basic to an experienced practitioner might be overlooked by someone less experienced.
- Use the present tense and the active voice.

- Divide your text into sections and subsections where possible. Be sure that each heading is followed by text.
- Refer to the latest edition of *The Bluebook: A Uniform System of Citation* for citation form. MCLE copy editors will change those cites for which our “house style” differs from *The Bluebook*.
- Concentrate on practical application. Minimize historical references unless they are essential for establishing context.
- Focus on the most recent Massachusetts law. Refer to federal or another jurisdiction’s law only to the extent that it affects or influences Massachusetts practice.
- When citing to Massachusetts statutes, use G.L. c. ____, §__.
- When citing Massachusetts cases, supply parallel cites, *i.e.*, both *Massachusetts Reports* and the *Northeast Reporter* citations.
- When citing publications, periodicals or journals, please be complete. Provide names of authors, title of article or chapter, relevant page numbers, title of publication, publisher and date of publication.
- Delete all firm names and client names from your sample forms and pleadings and instead supply hypothetical names.
- At the end of the chapter, provide a bibliography or list of references to other sources, print and electronic.
- Remember to include, where appropriate, the following practical features:
 - Practice Notes
 - Sample clauses

- Examples in text to illustrate principles and discussion
- Checklists
- Sample pleadings, letters, motions, forms, and examinations to use at trial
- Illustrative charts and diagrams
- Answers to commonly asked questions
- Glossary of terms/list of acronyms and abbreviations

(Note: MCLE’s editors will sometimes “repackage” your content as practical features.)

- Where appropriate, alert the reader to relevant ethical issues and malpractice risks. Warn the reader as to questionable tactics.
- When submitting exhibits, please send originals. If originals are not available, please submit the clearest copies possible.

DON’Ts

- Do not use footnotes or endnotes, as those are more appropriate to a treatise than to a practice-oriented manual. Rather, incorporate citations and parentheticals into your text.
- Do not number the headings in your draft manuscript; section numbers will be added by MCLE later.
- Do not use *supra* or *infra*.
- Avoid using reprinted material, as readers would rather have your original summation and interpretation of primary source text. If you include reprinted material with your text (*e.g.*, as an exhibit to your text), make sure that the information is up to date; submit a clear and legible copy of the material, without any handwritten

marks on the page; and either obtain reprint permission from the publisher beforehand or provide MCLE with the necessary information to obtain reprint permission.

- Avoid gender references where possible; *e.g.*, use “the client” rather than “he” or “she.” Where gender references are unavoidable, use “he or she;” do not use “he/she” or “s/he.”
- Unless providing a list of acronyms or abbreviations, avoid using those whose meanings are not obvious to the general practitioner.

Refer to the following pages for sample pages from an MCLE publication.

DEADLINE FOR MANUSCRIPT SUBMISSION

We realize that writing for MCLE is only one of your many professional commitments. However, we take your commitment very seriously. We plan our publishing program around our press deadlines, and once we receive your manuscript, our top priority is to produce final proofs for timely publication. Generally, we allow authors approximately two months to prepare their manuscripts and our goal is to develop and publish a book within eight to ten months. There are many production and editorial steps that follow the submission of your manuscript. A delay in your submission impacts the entire process. Therefore, we ask you to please adhere to your manuscript deadline. We will be available to assist you in any way possible in order to complete your writing project on schedule.

FOR AUTHORS OF MCLE QUICKCHECKS™

The primary purpose of a QuickCheck™ is not to provide a substantive treatment of a legal topic, but rather to organize the practitioner’s application of the law in the topic area.

Any coverage of substantive law provided as context for the steps in the transaction should be brief, with cites to controlling authority and cross-references to more elaborate explanations of the substantive law, directing the practitioner to additional information as needed.

QuickChecks™ are intended for (1) general practitioners with little or no experience with, or knowledge of, the topic and (2) experienced practitioners who need quickly to refresh their recollection of the steps in the process.

Define Scope Narrowly

Because MCLE QuickChecks™ address the “how tos” of specific legal transactions, it is especially important that you narrowly define the scope of the project. Resist the temptation to define and title the topic too broadly. For example, a QuickCheck™ should not attempt to cover the area of *Bankruptcy*. Instead, it should focus on a single aspect, such as *Moving for Relief from an Automatic Stay in Bankruptcy*.

Recruit a Reviewer

To assist you in developing a balanced and comprehensive guide, MCLE requires that a reviewer—a lawyer who, like you, is an expert in the field—review each QuickCheck™. We invite any suggestions you may have as to a suitable reviewer for the task. We prefer that the reviewer be an attorney who does not work directly with you and who generally represents the other side of transactions, to ensure a broad and diverse perspective. The reviewer’s role is to suggest the addition or deletion of specific areas of coverage and to offer comments and practice tips regarding the substance of your QuickCheck™. The interchange between an author and a reviewer can be a very satisfying one. Often you and your colleague will be invited to present a program

on the topic your QuickCheck™ covers, and this is an opportunity for a collegial exchange of ideas on a subject in which you and the reviewer are experts.

Prepare an Outline

Once the title and scope of the project have been identified and a reviewer recruited, the next step is to prepare the QuickCheck™ outline. Generally, authors have four to six weeks in which to prepare the outline, after which time it is forwarded to the reviewer for his or her feedback.

The outline generally does not exceed three to five pages and is divided into

- *Parts* or sections that correspond to the time divisions of the subject transaction and
- *Steps* that list each essential action to be taken at that stage of the process.

Begin framing your outline by determining the time divisions (parts) involved in the transaction. Then, within each part, list all the actions (steps) you take or consider taking, however small or however obvious to a seasoned practitioner. Be sure to include the following in your steps:

- What you need to do *before taking action*, including consideration of possible alternatives where appropriate
 - all factors you would usually consider
 - all points you check
- What actual steps you need to take *to complete the procedure*
 - all communications you make, such as phone calls to clerks, docket entries, notices to courts and other parties, copies of documents to clients

- all recordkeeping or record-making steps
- all client meetings, instructions, communications, billing steps, etc.
- local rules to check
- What follow-up you need to take *after the transaction* is completed.

Some tips to bear in mind when drafting your outline:

- Review other MCLE QuickChecks™.
- Within a part or section, begin by writing the first and last steps, to give yourself a frame of reference, and then go back and fill in the intermediate steps.
- Present the information in an active tone, much as a transactional checklist would.
- Remember that your transactional steps should be the major actions taken to complete the procedure.
- Make sure that all steps are specific and practical.
- Be aware that the number of steps in most QuickChecks™ ranges from a minimum of 12 to 15 and a maximum of 25 to 30.
- Because QuickChecks™ are in the active voice and tell the reader specifically what to do, begin each step with a verb such as:

| | | |
|---------|-----------|----------|
| Review | Obtain | Research |
| Engage | Determine | Present |
| Prepare | Pursue | Receive |
| Serve | Give | Appeal |
| Conduct | Seek | Plan |

- Prepare an outline or list of exhibits and sample documents that should be included in the QuickCheck™.

Meet with the MCLE Staff Attorney and Reviewer

After submitting your outline and before beginning to write, meet with the reviewer and the MCLE staff attorney to review the outline. Please do not bypass this important step.

Write Your Manuscript

After you have met with the reviewer and the MCLE staff attorney and received their feedback, begin preparing your manuscript. As you fill out your outline, remember to write in the active voice and tell the user what to do. In general, the text of QuickChecks™ should be between 75 and 100 pages long.

Include Exhibits and Samples

Because QuickChecks™ are extremely practical, they should include several exhibits that the reader can use for guidance. Please refer to the features highlighted above for ideas on the types of exhibits to attach to your manuscript.



Part 5

Submitting Your Manuscript: Technical Preparation

MCLE formats its book pages using in-house desktop publishing systems. All in-house editing is done using Microsoft Word. Our production efficiency depends to a large extent upon the condition of your manuscript; therefore, please prepare your manuscript as follows:

- Please submit your materials to MCLE via e-mail by attaching a copy of the source document to an e-mail message sent to the appropriate Publications Attorney or Assistant. (Please see the directory of MCLE Acquisitions staff on page 8).
- If you do not have access to e-mail, please submit your manuscript on a 3 ½ diskette in IBM-compatible format, along with a hard copy (single-sided) on 8 ½ inch x 11 inch paper. Please ensure that the disk and hard copy have identical content.
- Whenever possible, please submit exhibits on disk.

- If you do not use Microsoft Word to produce your document, please remember, when sending your file on disk or as an e-mail attachment, that it must be saved in a format compatible with Microsoft Word.



Part 6

MCLE's Book Production Processes

Once a manuscript is received, it goes through the following formal production processes:

- **Initial Production Stages**, including formatting and style editing;
- **Legal Review and Editing** by the MCLE staff attorney managing the project;
- **Volunteer Editor Review**: the manuscript is sent to the Editor, Judicial Editor, and Ethical Editor simultaneously for feedback and suggestions regarding content (at this stage, editors are encouraged not to ask open-ended questions of the author, e.g., “What is meant by this term?” but rather to supply alternative text where needed);
- **Proof/Copyedit Production Stages**, all of the changes and comments are input in preparation for the author's review
- **Final Author Review** and sign off of the modified manuscript;

- **Final Production Stages**, to incorporate author’s changes and finalize format
- **Indexing**; and
- **Print**.

TIMELINE

We plan to take each book project through the entire publication process (from recruiting authors to publishing the book) within eight to ten months. Our timeline is as follows:

- Recruit editor(s) and all authors: 2 to 3 weeks
- Author Preparation of Manuscripts: 8 to 10 weeks
- Initial Production Stages: 2 to 4 weeks
- Legal Review and Editing: 1 to 2 weeks
- Editor Review: 2 to 4 weeks
- Proof/Copyedit Production Stages: 2 to 4 weeks
- Final Author Review: 2 to 4 weeks
- Final Production Stages: 1 week
- Indexing: 2 weeks
- Print: 4 weeks

Importance of Deadline

When you meet your manuscript deadline, you are not only assisting MCLE in its efforts to publish on time, you are also honoring your colleagues’ contributions to the publication—and to CLE. We urge you to decline—in advance—if there is any doubt in your mind that you can meet the deadlines pertaining to your book project. All steps in the in the production and publications process are related. When a deadline is not met, the entire project is delayed.

Manuscripts that were submitted on time become stale and outdated, requiring updating and further work prior to publication. Also, because marketing efforts must occur prior to publication, they, too, may be compromised.

Note on the Timeline for QuickChecks, Monographs and Sourcebooks

As a result of their formats and the fewer administrative logistics involved in developing QuickChecks and other single-author publications (e.g. monographs and sourcebooks), those types of books follow a slightly different process and schedule and, therefore, often can be published in a shorter time frame. Because fewer people are involved, communication between editors, authors and MCLE staff is administratively easier, thereby decreasing the amount of time between steps. In addition, QuickChecks need not go through the indexing process. We estimate that production time on QuickChecks, monographs and sourcebooks will take four months.



Part 7

Updating Your Chapter: The Supplementation Process

MCLE's mission is to keep practicing lawyers up to date on the developments of law and practice in all areas. The utility of MCLE books would be compromised were they not updated regularly. As a result, MCLE has instituted a supplementation program to ensure that our books remain up to date and continually useful to Massachusetts practitioners.

ROLE OF THE VOLUNTEER EDITOR

The volunteer editor plays a critical role in the updating of a publication. Generally, the editor:

- informs MCLE of significant changes in law or practice that may require a particular publication to be updated outside of our regular schedule;
- meets with the MCLE staff attorney to discuss the update and its scope;

- is available to answer questions from the authors or MCLE staff attorney;
- helps identify the need for new chapters;
- helps identify replacement or new authors, if necessary;
- helps to keep project on schedule;
- provides timely editorial review of updated materials submitted by authors;
- prepares an introduction or preface if appropriate.

Because each project is unique, some require special handling. Therefore, we ask that editors be available to assist the MCLE staff attorney in tailoring the updating process to the needs of the particular publication.

ROLE OF THE AUTHOR

Because of the changing nature of the law and practice and the resultant need for practitioners to remain up to date, MCLE has instituted a policy of supplementing, or otherwise updating, MCLE publications on a regular and dependable basis. When MCLE feels it is time to supplement a book, our first step will be to use in-house researchers and editors to update the entire book. We will then contact all authors giving them notice of our intent to update the book. We will give each author the opportunity to decide whether or not they wish to participate in updating their material based on whether there have been developments in the law surrounding the subject of their chapter. If the author will be unable to participate, MCLE will use the updates generated in-house and will provide a brief review time during which the author may sign-off on the updates.

MECHANICS OF UPDATING YOUR MATERIALS

Unless the law or practice on a particular topic has changed dramatically, the supplement is not an opportunity to rewrite or restructure the chapter or include information that could have been included in the previous version of the materials. Instead, the supplement cycle should be used to update readers on new case law, statutes or practices that have been decided or implemented since the most recent publication of the materials. Limiting the scope of supplements in this way will allow us to cut down on the time it takes to produce supplements, publish them more quickly than revisions or new books and provide readers with timely updates.

For the author's convenience, we simply ask that you review the changes MCLE's in-house editing staff has made to your chapter, letting us know as soon as possible whether or not these updates are satisfactory. If you wish to add revisions to your chapter, MCLE asks that you do so using online editing and Microsoft Word's "Track Changes" tool which will highlight your changes as you type them. This enables MCLE's Production Department to easily view the changes that have been made and ensures that all changes will be input correctly. Once you are finished updating your chapter, you need only email the redlined version of it to the appropriate MCLE staff attorney or his or her assistant. For more information or assistance with online editing, please contact the appropriate MCLE staff attorney or his or her assistant.

If an author does not use Microsoft Word or does not wish to utilize online editing, MCLE asks that changes be made directly on a hard copy of the chapter. If there are lengthy changes or new sections to be added, they can be done on separate pieces of paper (i.e., inserts). If inserts are used, please clearly indicate on the hard copy of the chapter where

such new information should be inserted. When submitting your update, please provide MCLE with the following:

- the hard copy of the chapter upon which you made changes or marks,
- hard copies of any inserts, and
- a diskette (or an e-mail) containing the inserts and any new exhibits.

Because of the need to offer supplements and updates in a timely fashion and to respond to our readers' requests for more frequent updates, the timeline for supplements is much shorter than that for new book products or revisions. We plan to produce supplements within 5 to 6 months of launching. The abbreviated timeline generally does not include a recruiting (or authors' meeting) stage or a final author review period and generally looks like the following:

- Preparation of Manuscripts: 4 to 6 weeks
- Initial Production Stages: 4 weeks
- Legal Review and Editing: 1 to 2 weeks
- Editor Review: 2 to 3 weeks
- Final Production Stages: 3 to 5 weeks
- Indexing: 1 ½ to 2 weeks
- Print: 4 weeks

As noted above, usually there is no final author review period for supplements. However, if an author chooses only to review the updates prepared by MCLE's in-house editing staff, the author will be given a brief period of time (usually 5 business days) to do so before the Final Production Stages of the process.

IMPORTANCE OF DEADLINES FOR SUPPLEMENTATION

It is very important to the publication's success that supplements are published in a timely manner. MCLE relies upon you to submit your updates by the deadline, or to review MCLE's in-house edits in a timely manner so that we can ensure freshness of content for our subscribers.

Part 8

Publishing Formalities

PUBLICATIONS ACKNOWLEDGMENT

MCLE’s Publishing Acknowledgment serves as a release to allow MCLE to publish the author’s works in our print and electronic products. The Publishing Acknowledgment describes the parties respective rights and reflects the volunteer nature of the publishing arrangement. Toward the end of the publication process, MCLE will send you a Publishing Acknowledgment for your signature.

BIOGRAPHICAL ABSTRACT

All of MCLE’s formal publications include brief biographical abstracts of the editors and authors participating in the MCLE project. Toward the end of the publication process, MCLE will send you a request for a biographical abstract ranging from eight to twelve lines. As guidance, here is a sample biographical abstract:

LAWRENCE G. CETRULO is a partner in the Boston law firm of Cetrulo & Capone, where he specializes in toxic tort, environmental, product liability, malpractice, general liability, insurance coverage and commercial litigation. He is a graduate of Harvard College, Harvard University

Graduate School of Education and Northeastern University School of Law. Prior to joining Cetrulo & Capone, he was a partner in Peabody & Arnold, managing partner at Burns & Levinson and a law clerk to the Honorable Andrew A. Caffrey at the United States District Court for the District of Massachusetts. He has lectured and authored material for numerous educational programs and is the author of *Toxic Torts: A Complete Personal Injury Guide in Two Volumes*, published in January 1994.

REPRINT PERMISSION

If you are including published sources as exhibits to your chapter, MCLE asks that you request reprint permission of the material's copyright holder. Please also provide MCLE with source information so that we may properly cite the published work.

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