

# MCLE Editor and Author Guide

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 volunteer authors and editors who have preceded you. By participating in an MCLE book project, you are not only contributing your expertise, but also continuing the legacy of generous volunteering established by many within our legal community, both past and present. We recognize your commitment to MCLE and continuing legal education and we are grateful for your willingness to help us to produce the highest quality of content to train and educate lawyers.

A lawyer's primary reason for buying an MCLE book is to upgrade or expand their practice abilities. Ideally, readers will incorporate your practical guidance into their practices, with confidence in the content that you provide. For this reason, we encourage you to write with an emphasis on the practical.

This packet was prepared by MCLE Press to introduce you to MCLE's book production process, along with the MCLE Press staff who will assist you in your role as an MCLE editor or author. Please take the time to read it carefully. The recommendations you will find here reflect MCLE's experience in developing legal reference handbooks to address the practice needs of the Massachusetts bar.

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.

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# 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 and Labor Law, Estate Planning and Administration, Family Law, General Practice, Practice Development, 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 revising our books to help keep Massachusetts lawyers informed and up to date.

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

In furtherance of our common goal, MCLE seeks to enhance its research and development efforts by taking the lead in exploring new educational concepts and employing innovative and emerging technologies.

### MCLE's Collection

MCLE is proud of its growing collection of publications designed to provide 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 over 165 titles across seven practice areas.

In order to meet the practical needs of our customers, MCLE Press offers print books, ebooks, and an online library available through the MCLE OnlinePass subscription product. Within its publications collection, MCLE publishes several product lines:

- Practice Manuals for Massachusetts practitioners
- Practice Manuals for practitioners in New England states
- Sourcebooks and Citators
- Monographs
- Massachusetts Law Reform Institute (MLRI) Publications

## ✓ Practice Manuals (Massachusetts and Other New England States)

MCLE develops practice manuals in an effort to provide practical secondary-source legal information to the Massachusetts legal community. These manuals provide expert commentary on major parts of various areas of law and include sample clauses, checklists, forms and various exhibits to help illustrate chapter content. Practice manuals are at the core of the MCLE book collection and account for the majority of its titles. Beginning in 2008, MCLE began publishing practice manuals for other New England states, often using the Massachusetts collections as the prototype for selection and organization of content. For these titles, MCLE's publications staff recruits authors and editors from the respective states.

## ✓ Sourcebooks and Citators

The MCLE sourcebook and citator product line consists of softbound publications revised annually. They are compendia of relevant primary law sources curated by MCLE's publications attorney staff, with the guidance of subject expert volunteer editors. The sourcebooks and citators serve as desk references and portable reference libraries of statutes, regulations, and other sources considered to be relevant to particular practice areas. They may include citations, case summaries, concise annotations, procedural rules, relevant guidelines and commentary on specific issues, where appropriate.

## ✓ Monographs

MCLE publishes books on specific issues and practice areas. Often, single-authored works, these books provide an in-depth treatment of disparate areas of practice.

## ✓ Massachusetts Law Reform Institute (MLRI) 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 that blends the publishing expertise of MCLE with the substantive know-how of MLRI to publish manuals and advocacy guides that are both affordable and have appeal for non-lawyer advocates and pro se individuals. The MCLE/MLRI series includes such titles as *Legal Tactics: Self-Defense for Tenants in Massachusetts*, *Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) Benefits*, and *Massachusetts Unemployment Advocacy Guide*.

# 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.

### Book Development

Each of our book projects is coordinated by a publications attorney. Most questions should be directed to one of these staff attorneys, or their assistant.

|                           |                  |
|---------------------------|------------------|
| Maryanne G. Jensen        | 617-896-1236     |
| Director of Publications, | mjensen@mcle.org |
| John M. Lawlor            | 617-896-1235     |
| Publications Attorney     | jlawlor@mcle.org |
| Emma Rao                  | 617-             |
| Publications Assistant    | erao@mcle.org    |

### Support Services

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

- **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;
- **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.

MCLE does not cite check the content of its volunteer authors; rather, we rely upon our authors 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.

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 particular needs as you prepare your materials.

# 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:

- developing an outline for the book;
- identifying authors for each chapter and specialty editors where appropriate;
- reviewing and editing manuscripts;
- answering questions asked by the authors;
- preparing an introduction or preface to be included in the book;
- 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

Most of MCLE's practice handbooks are revised every two to three years, and more frequently if the law and practice relevant to the issues covered in a publication have changed substantially. Each revised edition presents an occasion for the Editor and the MCLE Publications Attorney to reconsider chapter topics and authors and to make any necessary changes.

### Specialty Editors

On occasion, MCLE will invite individuals with a specialized expertise to provide commentary for a book. Generally, such commentary is interspersed and highlighted throughout the book.

# 4

## The Author's Role

MCLE's practice manuals are generally multi-authored. Each chapter author shapes the content and usefulness of an MCLE publication, adding their own perspectives. The most successful chapters in MCLE publications present unique aspects of the book's larger topic and avoid duplication of topics in other chapters of the book.

### Author Meetings

When possible, and at a book editor's request, authors and the editor(s) will convene via Zoom or phone, to discuss the book and what will go into it. These events provide an opportunity for the authors and editors to meet and engage in constructive dialogue and reach decisions that will impact the publication. Because MCLE's book projects often involve many authors, the "launch" meeting is not always feasible; authors and editors are encouraged to meet individually with each other to discuss their chapters and exchange ideas. MCLE is always happy to host such meetings at its conference center.

### 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. The following are two examples of practice notes:



**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. The following is a sample example:

**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 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.

## ✓ Reference to Controlling Authority

Precedent and controlling authority are essential to any argument. Citing such authority not only grounds the author's text, but also provides the reader with a key case or other authoritative source that the reader can research beyond the MCLE publication. Important statements and principles should be supported by a key case or definitive authority. Note, however, that MCLE publications are not treatises; string cites and footnote references should be avoided.

## ✓ Sample Forms, Documents, and Other Exhibits

Sample pleadings, letters, guidelines, checklists, illustrative charts, diagrams, and completed forms all enrich the chapter text and underscore the practical appeal of our books. They should be included whenever possible. Bibliographies, glossaries of terms, lists of acronyms and abbreviations, official forms, and other types of appendices are also very useful. MCLE often enhances the chapter text with forms that are accessed online, via an access code that is distributed with the publication. In order to make it easy for the reader to download and adapt such content, MCLE encourages authors to submit the content in MS Word format.

## ✓ Sample Clauses

Sample clauses are important additions to your text, providing precise language that the reader can adapt to his or her documents. Here is a typical sample clause:

**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 often appear at the end of the text to recapitulate major points, provide guidelines, or 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. It is acceptable for them to restate the content in the text of the chapter, as the checklist represents an alternative pathway to the information.

## ✓ Cross-References

Cross-references to sections within a chapter, to other chapters within the same title, or to other titles within the MCLE publications collection may be used to help the reader to better access content or understand the text. Additionally, MCLE provides multiple resources in each of its print publications to assist the reader in finding relevant information, which may include general and detailed tables of contents, tables of authorities, and a subject index. In their electronic formats, MCLE publications are fully searchable via our search engine.

## ✓ Hyperlinks to Primary Law Sources

Where possible, MCLE will link citations to official sources that are available on the Internet, such as [www.mass.gov](http://www.mass.gov). For this reason, we ask that our authors strive to provide full, accurate, and complete citations. *Ibid.* and *Supra.* should be avoided.

## ✓ Bibliographies of Additional Reference Sources and Internet Research Sites

Lists of additional references can help to 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.

## ✓ 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 offers insight on the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act's enactment in Massachusetts including procedures under the act for transferring a guardianship or conservatorship in and out of Massachusetts, as well as registering another state's guardianship or conservatorship order in Massachusetts.

## General Writing Tips

✓ **DO**

- Prepare a chapter manuscript that is approximately 20–25 pages in length.
- Be mindful of who your reader is. Generally, readers are primarily solo or small-firm practitioners, many of whom are “novices” in a particular field.
- Lay the groundwork before delving into more sophisticated analyses and topics.
- Explain and define terms that are likely to be unfamiliar to nonspecialists.
- Spell out unfamiliar abbreviations and acronyms.
- Write in a direct, conversational tone, as though you were acting as a mentor to a junior associate.
- Write in complete prose, and not in outline format.
- Be comprehensive. Set forth each step in a how-to style fashion.
- Use the present tense and the active voice.
- Make your text digestible with a lot of headings and subheadings where possible.
- Refer to the latest edition of *The Bluebook: A Uniform System of Citation* for citation form.
- Be aware that in copy editing your text, MCLE's production staff adheres to a house style sheet, including grammatical, style, and usage conventions as recommended by *The Chicago Manual of Style*. MCLE's house style is not static; it is continually evolving along with the English language.
- Use gender-neutral language about people and professions, and avoid making assumptions about gender, race, or identity. Also, be aware that in the course of copy editing your text, MCLE will apply its house style, which incorporates gender-neutral terms and usage.
- Concentrate on practical application, minimize historical references unless they are essential for establishing context.
- Focus on current state law.
- Refer to federal or another jurisdiction's law only to the extent that it affects or influences your state's practice.

- When citing to Massachusetts statutes, use G.L. c. \_\_\_\_, §\_\_.
- When citing Massachusetts cases, it is only necessary to cite to the Massachusetts Reports, and not to the parallel Northeast Reporter citation.
- When citing publications, periodicals or journals, do so with attention providing to the complete cite, including full 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.
- Include, where appropriate, the following practical features:
  - Practice Notes
  - Sample clauses
  - Examples
  - 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 ethics issues and malpractice risks. Warn the reader as to questionable tactics.

## ✓ DO NOT

- 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 use *supra* or *infra*.
- Unless absolutely necessary, do not use 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. Provide a URL for accessing the content, if possible, and obtain reprint permission from the publisher.
- Unless you are providing a list of acronyms or abbreviations, avoid using those whose meanings are not obvious to the general practitioner.

## **Deadline for Manuscript Submission**

We realize that writing for MCLE is only one of your many professional commitments. However, when we invite you to write for MCLE, we take your commitment to volunteer for us 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 are here to assist you in any way possible in order to complete your writing project on schedule.

# 5

## **Submitting Your Manuscript: Technical Preparation**

MCLE edits and formats its book pages 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, in Word format, 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 3).

When submitting exhibits that are not authored by you, please send originals documents. If originals are not available, please submit the clearest copies possible in printed or PDF format.

# 6

## MCLE's Book Production Processes

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

1. **Initial Production Stages**, including formatting and style editing;
2. **Legal Review and Editing** by the MCLE staff attorney managing the project;
3. **Volunteer Editor Review**, whereby the manuscript is sent to the Editor 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);
4. **Proof/Copyedit Production Stages**, whereby MCLE's production staff incorporates all edits into a version of the work that is shared with the Editor for their final review.
5. **Final Author Review** and sign off of the modified manuscript;
6. **Final Production Stages**, to incorporate author's changes and finalize format
7. **Indexing** (if the book project calls for an index); and
8. **Print and Ebook Preparation.**

### 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 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.



# 7

## Revising Your Chapter

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 revision 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 (or takes a conference call) 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.

### Role of the Author

Due to the changing nature of the law and practice and the resultant need for practitioners to remain up to date, MCLE strives to revise the books on a regular schedule. When a revision opportunity arises, MCLE will contact all authors giving them notice of our intent to update the book and to advise as to the deadline for their redlined updates. If the author is unable to participate, MCLE will either recruit a successor author, or will contract with a freelancer to review and update the chapter.

## **Mechanics of Updating Your Materials**

If you wish to add revisions to your chapter, MCLE asks that you do so using 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 have 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 the MCLE publications assistant.

If an author does not use Microsoft Word or does not wish to use online editing, MCLE can accommodate. We ask that you add your edits directly to a hard copy of the chapter or on separate paper. You could also email us with your updates, instructing us to, e.g., "Delete the third line of section 1.1.2, and replace it with the following..."

# 8

## Publishing Formalities

### **Publications Acknowledgment**

MCLE's Publishing and Media Acknowledgment serves as a release to allow MCLE to publish the author's works in our print and electronic products. The Publishing and Media Acknowledgment describes the parties' respective rights and reflects the volunteer nature of the publishing arrangement. The publications assistant will send you the document 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:

RICHARD C. VAN NOSTRAND is a partner of Mirick, O'Connell, DeMallie & Lougee LLP in Westborough. His practice includes business and general litigation; commercial litigation; employment litigation; probate, trust, and fiduciary litigation; and alternative dispute resolution. He is a member of the American, Massachusetts, Worcester County, and New England Bar Associations. Mr. Van Nostrand is a graduate of Duke University School of Law and Binghamton University.

### **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.

*Thank you for your commitment to MCLE  
and we look forward to working with you.*