

## **SCHOLARLY WRITING**

**Course #510/002**

**FALL 2022 SEMESTER**

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This course will meet three times in the beginning of the semester as a full class. Thereafter you will have a break during which to conduct research and writing and to seek any individual input you would like from me. Towards the middle/end of the semester, beginning on October 18, you will sign up to meet with me in small groups to discuss and comment on work in progress four (4) additional times during the regularly scheduled class time or during office hours at times selected by you via sign-up sheets on TWEN. **Please sign up for your desired slot well in advance and circulate your working draft to me and those students participating in your session at least 48 hours in advance of the session so that everyone has time to review and prepare to discuss each other's work. All students participating in a given session will be required to read and give thoughtful comments on the other participants' drafts.**

All journal editors and scholarly writing instructors have agreed to the below deadlines for submitting required course elements. In order to receive a CR for this course all materials must be submitted to me via GMU email date-stamped before midnight Eastern time on the appropriate date. Note that these dates are on Sundays and do not correspond with dates on which classes meet.

### **YOUR JOURNAL EDITOR DOES NOT HAVE THE POWER TO CHANGE THESE CLASS DEADLINES**

**Sunday, September 4, 2022:** Topic Selection – you will have presented three topic ideas in our first class on Aug. 23

**Sunday, September 18, 2022:** Preemption Check – if your preemption check reveals that your chosen topic is not viable you will modify your chosen topic and perform a new preemption check establishing its viability

**Sunday, October 9, 2022:** Outline

**Sunday, October 30, 2022:** First Draft/Expanded Outline/Expanded Background

**Sunday, December 4, 2022:** Second Draft (complete draft)

**Sunday, January 8, 2023:** Final Comment/Note

**OFFICE HOURS:** Office hours are Tuesdays directly after class (from 12-1pm) or by appointment. I am happy to meet via zoom as well as in person.

**REQUIRED TEXTS:**

Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review* (5th ed.)

Columbia Law Review *et al.*, *The Bluebook: A Uniform System of Citation* (20th ed.)

**OTHER MATERIALS:** The TWEN page for this class contains important resources to assist you in conducting research and bluebooking. I have also tagged a host of potentially useful CALI exercises on topics like researching and using various types of primary and secondary authority that could save you a lot of time if you elect to spend the 30 or so minutes using an exercise to learn a new area of research, but it is entirely up to you whether you choose to use the exercises. Since I don't know in advance what you may choose to write about, there may be additional useful specialized topics to explore (e.g. Researching international environmental law). I will be happy to help you explore and to add further topics should you find them useful. Please just ask. These are also available on TWEN.

**COURSE OVERVIEW/DESCRIPTION:** This course is a 2 credit CR/NC writing course. My aim is to assist you in writing the best article, relevant to academics and practitioners, with the least amount of pain possible. I practiced law in various settings for over 20 years before coming to Scalia Law to run the Arts and Entertainment Advocacy legal clinic full time, so will encourage you to write articles that are articulate and clear and advance not only your own scholarship but are useful to the legal profession generally. Recognizing that many of you will not go on to write academic articles for a living, I will also endeavor to help you recognize the utility of academic writing to your professional research, and to spot quality academic writing quickly. Nevertheless, writing is hard, and the best writers are often the least facile.

I have found that giving and receiving comments on works in progress is the most productive way to improve my own writing. It alerts me to new perspectives and cases/scholarship I may have not been as attuned to in my practice/research, keeps me on task, and quickly exposes the places where my writing is less than clear, needs more support or could otherwise use editing. It builds trust and community, and as a reader and commenter I am always learning something new and interesting from my colleagues as well. Accordingly, this is how we will run the seminar.

More details follow below, but please sign up for this section only if you are willing to treat it as an active writing seminar and engage with your work and that of your colleagues professionally and with interest during the course of the seminar.

**LEARNING OUTCOMES:** By the end of the course students should have

- Identified a novel, non-obvious, useful, and sound claim upon which to write an article;
- Completed research appropriate to writing a publishable academic article;
- Drafted a compelling introduction of 5-8 paragraphs;
- Drafted an authoritative background section providing context for the thesis, that

includes primary and secondary authority both supporting and opposing the

proposition, and briefly defends the thesis against the main counterarguments;

- Outlined (or completed what Volokh calls a “zeroth” draft) of an article; and
- Written an academic article incorporating all of the above that also includes thorough

citations supporting every proposition pro and contra (using appropriate signals) formatted consistent with the Bluebook rules for academic works.

### **BASIS OF EVALUATION & ASSESSMENTS**

- This course is a CR/NC course, however in order to successfully complete the course with credit your paper and class participation must show you have mastered all of the above referenced “learning outcomes” by the assigned dates, and you must actively and courteously participate in class discussions and activities
- Under Academic Regulation (“AR”) 4-5, “CR indicates work equivalent to a C or better on the A+ through F scale,” and “[t]he grade of NC indicates work that falls below the equivalent of a C on the A+ through F scale and does not qualify for credit towards the Juris Doctor degree.”
- To determine whether a student will receive credit for the course, I’ll first assign each final paper a letter grade from A through F, depending on the student’s understanding of the various organizational, structural, stylistic, and analytical concepts that are the substance of the course. Grading is objective, i.e. not on a curve.
- Per AR 4-4.1(b)(iii), I must deduct a full letter grade for each 24-hour period that the paper is submitted beyond the deadline.
- I may add one-third of a letter grade for exceptional participation in class meetings.
- **Class participation:** students will be required to complete in class writing exercises

designed to help refine and polish selected topics, including presenting research and writing progress throughout the course of the seminar, and providing constructive feedback and advice to classmates. Active and professional participation in all seminar discussions is required to earn a CR.

### **FINAL PAPER FORMATTING REQUIREMENTS**

Your final paper should be submitted as a Microsoft Word file (.doc or .docx). The filename should be your last name. Do not send a .pdf or any other type of file. **Submit your papers before midnight, January 8, 2023.**

The paper should be double-spaced and left-justified in 12-point Arial font with 1" margins (0.5" margins for header and footer). The only exception is block quotations, which should be single-spaced in 12-point Arial, indented 0.5" on each side. The title should be in all caps. Do not include an abstract. The paper should be between 30 and 45 pages long.

Footnotes should be single-spaced in 10-point Arial; block quotations should again be indented 0.5" on each side. All footnotes must conform to the Bluebook (20th ed.) for academic works, including the requirements of the Tables.

Every page should have a page number centered at the bottom in 12-point Arial. Every page should have a header with your last name centered at the top in 12-point Arial.

### **COURSE RULES/STRUCTURE:**

- We will conduct the bulk of our seminar in the style of professional scholarly discussions in which peers carefully evaluate and present feedback on each other's work. Whether presenting or receiving comments in academic roundtables, I have found this to be one of the most rewarding means not only of improving my own work, but of engaging meaningfully with the work of colleagues.
- To facilitate this, students will sign up for small group sessions to discuss works in progress towards the end of the semester. **Students must circulate their drafts including questions for feedback by the deadlines in the syllabus so that classmates and I have a chance to review and prepare thoughtful comments prior to class.**
- In the event we must meet via zoom, class sessions will be held with cameras on (directed at the student), mics off unless speaking. Please ensure your name is correctly displayed in Zoom for attendance purposes and so that all participants may address you as you prefer to be addressed. Put your name and or a question in the chat box to be recognized to speak, and use the chat function only in the message all mode.

**EMAIL COMMUNICATION:** Students must use their MasonLive email account to receive important University information, including communications related to this class. In accordance with University policy I will not respond to messages sent from or send messages to a non-Mason email address.

**ATTENDANCE:** Regular and punctual attendance is required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should circumstances occur where you anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), you should immediately contact the Assistant Dean, Student Academic Affairs to make appropriate arrangements and notify me.

**CLASS RECORDINGS PROHIBITED:** Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. This is especially important given the nature of our seminar where

we will be discussing works in progress and want to ensure an atmosphere of trust and open discussion.

**COVID HEALTH & SAFETY REQUIREMENTS:** Please refer to the most up-to-date University policies [here](#).

**PAPER EXTENSIONS:** Except for instances described in AR 4-4.1(b)(ii), faculty may not grant deadline extensions for final papers (i.e. any written assignment that accounts for 50% or more of the final course grade); all authority in this matter is delegated to the Assistant Dean, Student Academic Affairs. Excuses and requests for a deadline extension must be presented, with appropriate documentation, to the Assistant Dean, Student Academic Affairs. Except in emergencies, deadline extensions must be sought in advance of the scheduled deadline. Note that there are steep deductions in grades required for every day past the scheduled deadline a paper is turned in.

**ACADEMIC INTEGRITY:** It is expected that students adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school related assignment. The Honor Code is available here: <https://sls.gmu.edu/honor/>.

**CLASSROOM ACCOMMODATIONS:** Disability Services at George Mason University is committed to providing equitable access to learning opportunities for all students by upholding laws that ensure equal treatment of people with disabilities. If you are seeking accommodations for this class, please visit [ds.gmu.edu/](https://ds.gmu.edu/) for detailed information about the Disabilities Registration Process. Faculty may not receive or respond to requests for an accommodation. All requests must be handled by the office of Disability Services. You may contact Disability Services directly via email at [ods@gmu.edu](mailto:ods@gmu.edu) or phone at (703) 993-2474. If you have any questions about how in-class or testing accommodations are implemented at the law school, please contact the Assistant Dean, Student Academic Affairs for more information.

**ADDITIONAL SCHOOL POLICIES AND RESOURCES: STUDENT HONOR CODE - [Click Here](#)**  
**ACADEMIC REGULATIONS – [Click here](#)**

**UNIVERSITY LIFE:** University Life provides student support resources such as **Counseling and Psychological Services (<https://caps.gmu.edu/>)**, **Student Health Services (<https://shs.gmu.edu/>)**, and the **Student Support and Advocacy Center (<https://ssac.gmu.edu/>)**. For more information about University Life on the Arlington Campus, please visit: <https://ularlington.gmu.edu/>

**COURSE ASSIGNMENTS/SCHEDULE:** This schedule may be refined once class enrollment is known or if circumstances change during the semester.

(Aug. 23) SESSION 1: TOPIC SELECTION; CRAFTING A NOVEL, USEFUL AND SOUND THESIS Read Volokh – Foreword, Chapter I Finding What to Write About (The Claim), Chapter II Test Suites: Making Prescriptive Claims More Sound

**Please come to the first class with three possible ideas you might want to write about and be ready to discuss why. We will do an in class writing exercise to help you articulate your ideas about your favorite topic better.**

(Sep. 6) SESSION 2: RESEARCH, BLUEBOOKING; STRUCTURING YOUR INTRODUCTION  
Read Volokh – Chapter IX Tips on Researching, Chapter III Writing Strategy, Chapter IV Writing The Introduction

**In class meeting with library research professionals on research & bluebooking.**

(Sep.13) SESSION 3: ASK ME ANYTHING – about getting ready to write that is ... this is our last session together before you go on an intensive writing sprint. This will be an open session for you to raise any last-minute questions about topics, challenges with preemption checks, how to build a writing schedule/practice, tricks to keep your pet off the keyboard. . .

(Sep. 18) PREEMPTION CHECK DUE – TURN IN PREEMPTION CHECK TO ME AND TO YOUR JOURNAL

(Oct. 9) OUTLINE DUE – TURN IN OUTLINE TO ME AND TO YOUR JOURNAL

(Oct. 18) SESSION 4: DISCUSSION OF OUTLINES – READ ABOUT THE BACKGROUND SECTION  
Read Volokh – Chapter V Writing the “Background Section”, Chapter VI Writing the Proof of The Claim, VII The Conclusion, And After the Conclusion

**Small group meetings to discuss outlines. Please sign up for your desired slot well in advance and circulate any updates to your turned in outline to me and those students participating in your session at least 48 hours in advance of the session so that everyone has time to review and prepare to discuss.**

(Oct. 30) FIRST DRAFT DUE – TURN IN FIRST DRAFT TO ME AND TO YOUR JOURNAL

(Nov.1) SESSION 5: DISCUSSION OF FIRST DRAFTS

Read Volokh — Chapter VIII Finishing the First Draft, And the Zeroth Draft

**Small group meetings to discuss first drafts. Please sign up for your desired slot well in advance and circulate your draft to me and those students participating in your session at least 48 hours in advance of the session so that everyone has time to review and prepare to discuss.**

(Nov. 15) SESSION 5: FINAL FEEDBACK

**Small group meetings to discuss progress on current drafts and obtain any final feedback. Please sign up for your desired slot well in advance and circulate your draft to me and those students participating in your session at least 48 hours in advance of the session so that everyone has time to review and prepare to discuss.**

(DEC.4 ) SECOND DRAFT DUE – TURN IN SECOND DRAFT TO ME AND TO YOUR JOURNAL

(JAN. 8) FINAL DRAFT DUE – TURN IN FINAL DRAFT TO ME AND TO YOUR JOURNAL