

Scholarly Writing -- Law 510
Antonin Scalia Law School at George Mason University
Fall 2022

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Class Hours: Mondays 8.10pm-10.10pm (online).

Zoom link: <https://gmu.zoom.us/j/93091630696?pwd=S1hrMFQxY0JkdkFvNzYrbFBPbDZKUT09>

Office Hours: Mondays 7.00-8.00pm. I will also answer short questions after class. I ask that you notify me, at least 24 hours in advance, if you intend to participate in virtual office hours. Also, I am generally available via appointment at other times for Zoom discussions and also via email.

Casebook and Course Materials:

- Eugene Volokh, Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review (2016, 5th ed.)
- Columbia Law Review et al., The Bluebook: A Uniform System of Citation (20th/21st ed.)
- Additional Material will be posted on TWEN, including suggested additional reading such as:

- Eugene Volokh, Writing a Student Article, *Journal of Legal Education* 48 (2): 247-272 (1998).
- Darby Dickerson, Citation Frustrations – and Solutions, *Stetson Law Review* 30: 477-520 (2001).
- Ruthann Robson, Law Students as Legal Scholars: An Essay/Review of Scholarly Writing for Law Students and Academic Legal Writing, *New York City Law Review* 7: 195-211 (2004).
- Kristina V. Foehrkolb and Marc A. DeSimone, Jr., Debunking the Myths Surrounding Student Scholarly Writing, *Maryland Law Review* 74: 169-198 (2014).

Course Overview/Description: This semester you will focus on writing for an academic audience. Your final product will be an original comment or case note suitable for publication either in your ASLS journal or elsewhere. Prerequisite: None.

Learning Outcomes:

- *Articulate a legal thesis that is both descriptive and prescriptive*
- *Choose a timely and useful legal research topic*

- *Identify proper authority supporting and opposing each proposition*
- *Assemble primary and secondary sources into a background section that gives context*
- *Describe a novel, nonobvious, useful, and sound solution to a legal problem*
- *Anticipate counterarguments and defend your arguments*
- *Apply the rules of legal citation for academic works (the Bluebook "white pages")*

Grading: Students will either receive credit (CR) or no credit (NC) in this class. 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.

I will deduct one-third of a letter grade if the final paper does not conform to the formatting requirements set forth below. Furthermore, per AR 4-4.1(b)(iii), I will deduct a full letter grade for each 24-hour period that the paper is submitted beyond the deadline. I reserve the right to add one-third of a letter grade for truly exceptional participation in class meetings.

To receive CR, you must in addition complete all assignments and fulfill the attendance requirements set forth below.

Expectations, Rules, and Structure:

Please come to each class having completed all assigned readings. Bring any assigned samples of your own work for discussion.

Students must use their MasonLive email account to receive important University information, including communications related to this class. I might not respond to messages sent from or send messages to a non-Mason email address.

Attendance:

Regular and punctual attendance are required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should a student anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), he or she should immediately contact the Assistant Dean, Student Academic Affairs. There is no substituted work available for this course (see AR 4-1.2). If you are not present for at least 75 percent of a session of the course, you will be considered absent from that session (AR 4-1.1).

Class Recordings:

Pursuant to AR 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. Any exceptions to this policy must be expressly permitted in writing by me.

Requests to access a particular meeting to accommodate a COVID-related absence should be

made to the Assistant Dean, Student Academic Affairs.

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/>.

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 <http://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 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.

The Syllabus is Preliminary and Subject to Change: We may deviate from the tentative syllabus to accommodate scheduling changes, etc. Please make sure you are signed up to receive updates via Blackboard.

Final Paper Formatting Requirements: Your final paper should be submitted as a Microsoft Word file (.doc or .docx) to my email account. The due date will be Sunday, January 8, 2022 (by 10pm EST).

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/21st 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.

Class Use of Student Materials: Any written work you submit may be used as a teaching tool for discussion with the entire class or with future classes. Any identifying information will be removed to protect student confidentiality.

Dual Sovereignty: I have no authority over individual journals' membership determinations. Please direct all questions about journal operations to your editorial board and/or faculty adviser. Likewise, the journals' editorial boards and faculty advisers have no authority over my evaluations of your work for this course.

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.

Course Schedule:

This course schedule is preliminary, and I may change it if the need arises. Internal deadlines refer to all five journals (you should contact them for any questions in that matter).

CLASSES / DEADLINES	TOPICS AND READING ASSIGNMENTS
<p>August 22 (Monday)</p>	<p>Choosing a topic; adding to the academic conversation; the elements of a good thesis; general writing skills and tips.</p> <p>Please come to the first class with three possible ideas you might want to write about and be ready to discuss why.</p> <p>Volokh, Chapter 1; also Volokh (1998).</p>
<p>August 29 (Monday)</p>	<p>Researching (presentation by Research Librarian, John E. Scherrer).</p> <p>Volokh, Chapters 2, 9 & 19.</p>
<p>September 4 (Sunday)</p>	<p>Internal deadline: Topic Selection (with emphasis on preemption; internal preemption check by September 18).</p>
<p>September 12 (Monday)</p>	<p><i>No meeting.</i></p>
<p>September 19 (Monday)</p>	<p>Report on selected ideas. Identify outstanding issues with ideas, potential problems, and what aspects to focus on.</p> <p>Volokh, Chapters 3, 4 & 10.</p>
<p>September 26 (Monday)</p>	<p><i>No meeting.</i></p> <p>Deadline: Introduction.</p>

October 3 (Monday)	<p>Part 1 - Drafting and editing the article: the background section (roadmaps, giving context, depth of research), the analysis section (proposing a solution supported by the background section), and forthrightly addressing all legitimate counterarguments.</p> <p>Volokh, Chapters 5, 6, 7 & 8.</p> <p>Part 2 - Small group meetings to review introductions.</p>
October 9 (Sunday)	Internal deadline: Outline.
October 10 (Monday)	<i>No meeting.</i>
October 17 (Monday)	<p>Part 1 - Revised thesis and introduction, preparing an outline: presentations and comments.</p> <p>Volokh, Chapters 11 to 16; also Dickerson (2001).</p> <p>Part 2 – Small group meetings to review introductions.</p>
October 24 (Monday)	<p><i>No meeting.</i></p> <p>Volokh, Chapters 18, 20, 22 & Appendix I.</p>
October 30 (Sunday)	Internal deadline: First Draft/Expanded Outline/Expanded Background.
October 31 (Monday)	<p><i>No meeting.</i></p> <p>Deadline: Background Section.</p>
November 7 (Monday)	<p>Presentation and feedback I.</p> <p>Volokh, Chapter 17; also Robson (2004)</p>

November 14 (Monday)	Presentation and feedback II. Volokh, Chapter 23 & 26; also Foehrkolb and DeSimone (2014) Deadline: Draft (<i>optional</i>)
November 21 (Monday)	<i>No meeting.</i>
December 4 (Sunday)	Internal deadline: Second Draft (complete draft).
January 8, 2023 (Sunday)	Deadline: Final Paper (10pm). Internal deadline: Final Draft.