

**SCHOLARLY WRITING LAW 510
FALL 2023**

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COURSE SCHEDULE/MEETING TIMES

This class meets Wednesdays from 1:50 PM to 3:50 PM. We will not meet every week. Students will also have individual meetings, in person or by Zoom, with Professor Bernstein.

OFFICE HOURS

I am happy to meet with you any time that is mutually convenient, in person or via Zoom.

REQUIRED TEXTS

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

The Bluebook: A Uniform System of Citation (20th ed.)

COURSE SCHEDULE

August 23: Choosing a manageable student topic; adding to the academic conversation

Reading: Volokh, pages 1-46

August 30 More on choosing, and executing a topic. Read or at least skim the following student-authored (by me when I was a student) publications. As you read them, ask yourself: Did the author choose a manageable topic? Did he add to the academic conversation? Did he right something scholars or practitioners in the field would be interested in reading? (Don't worry about hurting my feelings, I've moved on!)

Out of the Fryeing Pan and into the Fire: The Expert Witness Problem in Toxic Tort Litigation, 10 Review of Litigation 117 (1990)

The Supreme Court and 'Civil Rights,' 1886-1908, 100 Yale Law Journal 725 (1990)

Note, A Contractual Solution to the Contraceptive Crisis, 8 Yale Law & Policy Review 146 (1989)

These articles are all available on Westlaw and Lexis and, in more readable format, on Hein Online. If you are not familiar with Hein Online, which is available through the GMU and GMU library system, this is a good opportunity to become familiar with it.

<https://infoguides.gmu.edu/az.php?q=hein>

September 6: Research librarian session. **Reading, if any, TBA**

September 13: One half of the students in the class: Circulate your proposed topic to you classmates at least 48 hours before class. We will spend this class discussion each other's topics. (I understand that your topic is due to your journal September 4th. This class will hopefully give you an opportunity refine your topic, including potentially narrowing its scope). We should have

approximately 12 minutes per topic.

September 20: Second half of the class: Circulate your proposed topic to you classmates at least 48 hours before class. We will spend this class discussion each other's topics. (I understand that your topic is due to your journal September 4th. This class will hopefully give you an opportunity refine your topic, including potentially narrowing its scope). We should have approximately 10 minutes per topic.

FINAL TOPIC DUE TO PROFESSOR: September 27. (I know that your topic was due a month ago to your law review, but I want a better version on 9/27).

September 27: No class

October 4: Writing your paper

Reading: Volokh pages 47-100

As you progress with your paper, read on your own schedule **Volokh pages 120-167** on editing.

Individual meetings with Professor Bernstein and with research librarians to be scheduled. For meetings with Professor Bernstein, at least an outline of the paper will be required. The more substantive progress you can present to Professor Bernstein before the meeting, the more productive the meeting will likely be.

COURSE OVERVIEW/DESCRIPTION

This semester you will focus on writing for an academic journal. This requires a somewhat different skill set than writing a brief or memo for a client. The final product of this course will be an original comment or case note suitable for publication either in your ASLS journal or elsewhere.

LEARNING OUTCOMES

By the end of the course, students should be able to:

- Identify a proper, manageable topic for an academic article
- Identify proper authority supporting and opposing each proposition stated in the article
- Create a background section that gives context
- Propound a thesis in the style of an academic article and defend that thesis
- Apply the rules of legal citation for academic works (the *Bluebook* "white pages")

BASIS OF EVALUATION AND ASSESSMENTS

Scholarly Writing is a credit/no credit ("CR"/"NC") course. 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.

INSTRUCTOR EXPECTATIONS AND COURSE RULES/STRUCTURE

You should come to each class meeting having completed all assigned readings, and any writing assigned by Professor Bernstein.

Students must use their MasonLive email account to receive important University information, including communications related to this class.

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 PROHIBITED

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.

I do not plan to record any course sessions. Requests to record a particular meeting to accommodate a COVID-related absence should be made to the Assistant Dean, Student Academic Affairs.

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 to me via email (not TWEN) before 10:00 p.m. on Sunday, January 10, 2021.**

The paper should be double-spaced and left-justified in 12-point Times New Roman 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. Exceptions to the length requirement may be granted, but only if Professor approves the exception *in advance*.

Footnotes should be single-spaced in 11-point Times New Roman; 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 Times New Roman. Every page should have a header with your last name centered at the top in 12-point Times New Roman.

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.

ADDITIONAL SCHOOL POLICIES AND RESOURCES

ACADEMIC INTEGRITY

All students must 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/>.

In academic circles in particular, plagiarism is a serious offense with potentially career-ending implications. You must be diligent in your work habits and editing to ensure that you are attributing words and ideas appropriately. Carelessness in work, inattention to detail, a failure to carry over citations when cut-and-pasting material from electronic sources, and the like will not serve as an excuse in instances of plagiarism. I reserve the right to test any writings submitted in this course using plagiarism- screening software.

It is not unusual to be concerned or confused about proper attribution or quotation form. If you have any questions about this subject at any time, please let me know.

ACADEMIC REGULATIONS

The ASLS academic regulations are available here:
<https://www.law.gmu.edu/academics/regulations>

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 <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.

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). The Assistant Dean, Student Academic Affairs has exclusive authority on this matter. Excuses and requests for a deadline extension must be presented, with appropriate documentation, to the Assistant Dean, Academic Affairs. Except in emergencies, deadline extensions must be sought in advance of the scheduled deadline.

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/>