
ANTONIN SCALIA LAW SCHOOL, GEORGE MASON UNIVERSITY
LEGAL RESEARCH, WRITING, AND ANALYSIS

LRWA II: Trial-Level Writing
SPRING 2023 SYLLABUS
LAW 097-all sections (3 credits)

Program Administration

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Textbooks & Subscriptions

We will continue to use Legal Research Demystified (“LRD”) and The Bluebook as well as the Core Knowledge and MBIE subscriptions from last semester. Students should also have access to the Federal Rules of Civil Procedure (“FRCP”), which are available on Westlaw, Lexis, and at <https://www.law.cornell.edu/rules/frcp> (linked on the LRWA II Main Page). In addition, the following text is required and will be used again in LRWA III:

- Joan M. Rocklin et al., An Advocate Persuades (2d ed. 2022) (“AAP”) (ISBN: 978-1-5310-1910-5)

The following resources are not required but may be helpful:

- Richard Wydick & Amy Sloan, Plain English for Lawyers (6th ed. 2019) (or any earlier edition)
- Linda Barris, Understanding and Mastering The Bluebook: A Guide for Students and Practitioners (Legal Citation) (4th ed. 2020)

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TWEN

- LRWA II Main Page
- LRWA II [Instructor Name] Section (LAW-097-section #)

Students must be enrolled in both the main course page and their section page. Instructor assignments and section numbers are the same as Fall 2022. The main page contains material relevant to all sections. The section pages have instructor-specific material and assignment drop boxes. Students may not join a TWEN section page other than their own.

Course Description

LRWA II: Trial-Level Writing builds on the foundational legal research, writing, analysis, and citation skills acquired in LRWA I. In LRWA II, students learn to draft various litigation documents and learn to write persuasively. Students are also introduced to oral advocacy.

Learning Outcomes

Students will practice and improve on skills from last semester, and students will learn to apply those skills in communicating with different audiences for different purposes. By the end of the semester, students should be able to do the following:

- Locate statutes, regulations, court rules, and court documents
- Apply case law research skills to a problem arising under federal law
- Cite court rules, administrative regulations, statutes, federal cases, and litigation documents
- Recognize the varying roles of a lawyer from analyst to advocate
- Describe the pretrial litigation process
- Understand the function, form, and content of basic litigation documents
- Draft complaints, answers, motions, and motion briefs
- Recognize the similarities and differences between predictive and persuasive writing
- Use the basic structure of legal analysis to construct a persuasive argument
- Orally communicate research results to a supervisor
- Orally communicate an argument on behalf of a client

Course Format

The course format for Spring 2023 will be the same as Fall 2022, with all sections of LRWA II following a uniform syllabus, with uniform projects and deadlines. Most weeks, LRWA II will meet in a small group setting led by an instructor. On research weeks, research instruction will be led by law librarians.

Like last semester, classes will usually meet on the scheduled day for two hours. Please carefully review the Course Calendar, however, as some alternate meeting schedules occur throughout the semester. In particular, please note the special meeting times for the Moot Court First Year Competition (“FYC”). All students must participate in the first round of the FYC on Saturday, April 1, 2023. In addition, all day students must attend the FYC Finals on Friday,

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April 7, 2023; evening students may view the event live or recorded. Students seeking religious accommodations for either date should promptly contact Professor FitzGerald.

Assessments and Grading

Final grades will be based on (1) performance on projects; (2) performance on skills exercises; (3) participation and professionalism; and (4) completion of all assignments. The course is graded on a B+ curve, and students are evaluated relative to the students in their instructor section. The chart below summarizes how each assessment will be used to calculate the final grade in the course.

Assessment	Grading	Weight	Due
Project 1: Oral Research Report	0/3/4/5	10%	January 30-February 3
Project 2: Complaint	0/3/4/5	5%	February 12
Project 3: Discovery	0/3/4/5	5%	February 26
Project 4: Draft Standard and Argument	0-6 scale	20%	March 12
Project 5: Draft Introduction and Facts	0/3/4/5	10%	March 26
Project 6: Oral Argument	0/6	5%	April 1
Project 7: Motion Brief	0-6 scale	35%	April 23
Research Exercises	0/6	5%	Various
MBIE Exercises	0/6	5%	April 9
Other assignments, participation, and professionalism	Grade adjustment	Grade adjustment	Throughout

Projects:

An assignment memorandum detailing the expectations for each project will be posted on the LRWA II Main Page on TWEN. Most projects will be graded on a modified 6-point scale in which a student could receive a 0, 3, 4, or 5. Project 6 will be graded on a credit/no credit basis. The major writing assignments, Projects 4 and 7, will be scored on a scale of 0 to 6, in 0.25-point increments. These latter assignments will be anonymously graded. The six-point scale is described in the “LRWA Grading Guide” posted on the LRWA II TWEN Main Page.

On written assignments, whether draft or final, students should submit the highest quality work that they are capable of when the assignment is due, as would be expected in law practice. Students are expected to integrate readings, exercises, instructor feedback, and classroom instruction to self-edit their work. The instructor will report the high, low, and mean project grades for the section.

Skills Exercises:

Research Exercises: Each research exercise will be graded on a credit/no credit basis. A student will receive credit if the student timely and successfully completes the research exercise and follows the submission instructions. During weeks in which research exercises are completed in class, students must submit the exercise by Friday evening before 11:59 pm.

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Mastering the Bluebook Interactive Exercises: Students will complete MBIE exercises 10-23 and 29 independently online. Each MBIE exercise will be graded on a credit/no credit basis. To receive credit, a student must (1) correctly answer at least 60% of the questions in the exercise **on the first try** and (2) meet the deadline in the Course Calendar. Early completion is strongly recommended because the exercises help students master the citation required for the projects. Students struggling with citation should seek help from a Writing Fellow.

Other Assignments, Participation, and Professionalism:

A student's course grade may be adjusted up or down one step (e.g., from B to B- or from B to B+) based on other assignments, participation, and professionalism. The Course Calendar contains weekly class prep assignments, and these assignments may be supplemented by individual instructors. Unless otherwise indicated, such assignments must be uploaded to the "Weekly Class Prep Assignments" box under "Assignments & Quizzes" on the instructor's TWEN section page **before** the start of class.

Class prep assignments are "entry tickets" for class, and students should not expect individualized feedback on class prep assignments, although such feedback may occasionally be provided. Class prep assignments are designed for students to prepare for class, to attempt new skills, and to stay on schedule for graded projects. Class prep assignments also allow instructors and Writing Fellows to gauge student understanding of concepts and guide instruction accordingly.

A good-faith effort is required on all assignments. Failure to complete class prep assignments may result in a failing grade for the course. Additional work may be assigned when a student's original assignment does not demonstrate minimum competency.

Students are expected to participate in class and behave as professionals. Participation and professionalism include, but are not limited to, the following:

- Completing reading and other assignments before class
- Fully engaging in class discussions and exercises
- Demonstrating a willingness to experiment with new skills and approaches
- Exhibiting respect for classmates, Writing Fellows, librarians, and instructors
- Preparing for individual meetings with an agenda, emailed in advance to the instructor (see below)
- Asking questions after attempting to find answers using available resources
- Using technology appropriately

Preparation for Individual Meetings

Students must sign up for individual meetings and email an agenda as indicated in the Course Calendar. The agenda should contain specific questions or direct the instructor to specific parts of a paper. Students should be mindful that meetings last approximately 15 to 20 minutes and should tailor the agenda accordingly. Instructors may set additional requirements for meetings and will notify students of such requirements in advance.

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Where to Get Help

Program Concerns: Professor FitzGerald or Professor Trumbo

Class Content: Section Instructor

Citation, Formatting, and Writing Style: Writing Fellows

Research: Reference Librarians

Basic Grammar: University Writing Center

Accommodations: George Mason University Disability Services / ods@gmu.edu / 703-993-2474

Please visit <https://ds.gmu.edu> for detailed information about the Disabilities Registration Process. If you have questions about how accommodations are implemented at the law school, please contact Annamaria Nields, Associate Dean for Administration and Student Affairs, at aniels@gmu.edu.

Syllabus Changes

The Program Director reserves the right to revise the syllabus, Course Calendar, and LRWA Rules. Students will be notified of any changes, and a revised syllabus will be posted on the LRWA II Main Page.

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Course Calendar

Dates	Topics	Before Class
Week 1 Jan. 17 – 20	Course Overview Research (1 of 3) ▫ Statutes	Read/View: ▫ LRWA II Syllabus & Rules ▫ LRD Ch. 13, 15 & 17 ▫ Week 1 Folder Submit: Citations of secondary sources helpful for trial problem
Week 2 Jan. 23 – 27	Investigating & Initiating Litigation Litigation Overview	Read/View: ▫ AAP Ch. 1-2 & Appendix A (pp. 369-77 only) ▫ FRCP 11 ▫ Week 2 Folder Submit: Research plan
Week 3 Jan. 30 – Feb. 3	Research (2 of 3) ▫ Court Rules & Documents ▫ Discovery & Forms	Read/View: ▫ Week 3 Folder
	Individual Meeting	Follow instructor’s guidance to sign up for meeting
P1 (Oral Research Report) due during individual meeting		
Week 4 Feb. 6 – 10	Complaint & Answer	Read/View: ▫ FRCP 7(a), 8, 10, 12 ▫ Week 4 Folder Submit: A complaint filed in a similar case
P2 (Complaint) due Feb. 12 before 6 pm		
Week 5 Feb. 13 – 17	Discovery	Read/View: ▫ FRCP 26, 33, 34, 36 ▫ Week 5 Folder Submit: List of potential discovery topics

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Dates	Topics	Before Class
Week 6 Feb. 20 – 24	Motions Practice Parts of a Motion Brief	Read/View: <ul style="list-style-type: none"> ▫ AAP Ch. 8 & Appendix B ▫ FRCP 7(b), 56 ▫ Week 6 Folder Submit: Posted worksheet
P3 (Discovery) due Feb. 26 before 6 pm		
Week 7 Feb. 27 – Mar. 3	Motion Brief <ul style="list-style-type: none"> ▫ Argument 	Read/View: <ul style="list-style-type: none"> ▫ AAP Ch. 3 (§ 3.1 only), 5, 6 (pp.129-34 only) ▫ Week 7 Folder Submit (and bring hard copy): Outline of argument with point headings
Week 8 Mar. 6 – 10	Motion Brief <ul style="list-style-type: none"> ▫ Refining the Argument ▫ Introduction ▫ Conclusion 	Read/View: <ul style="list-style-type: none"> ▫ AAP Ch. 6 ▫ Review AAP Ch 8 (pp. 192-98 only) ▫ Week 8 Folder Submit (and bring hard copy): Roadmap and argument on one issue
Mar. 9	Moot Court Board FYC Information Session	Attendance recommended
P4 (Draft Standard and Argument) due Mar. 12 before 6 pm		
Mar. 13 – 17	SPRING BREAK	
Week 9 Mar. 20 – 24	Oral Argument Motion Brief <ul style="list-style-type: none"> ▫ Statement of Facts 	Read/View: <ul style="list-style-type: none"> ▫ AAP Ch. 10-11 (§§ 11.1-11.3 only) ▫ Week 9 Folder Submit: Draft introduction Oral argument outline
Mar. 20 – 26	MCB Mooting Sessions	Participation recommended
P5 (Draft Introduction and Facts) due Mar. 26 before 6 pm		
Week 10 Mar. 27 – 31	Oral Argument Practice	Read/View: <ul style="list-style-type: none"> ▫ Week 10 Folder
Mar. 27 – 31	MCB Mooting Sessions	Participation recommended

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Dates	Topics	Before Class
Saturday, Apr. 1	First Year Competition ▫ First Round	Attendance required
P6 (Oral Argument) due Apr. 1 during FYC First Round		
Sunday, Apr. 2	First Year Competition ▫ Advancing Round	Attendance required for advancing competitors
Week 11 Apr. 7	First Year Competition ▫ Final Round	Attendance or viewing required: Day students attend final round at courthouse; evening students view recording.
	Individual Meetings (one meeting in either week 11 or week 12)	Submit: Email agenda at least 24 hours before meeting
MBIE 10-23 and 29 due Apr. 9 by 11:59 pm		
Week 12 Apr. 10 – 14	Research (3 of 3) ▫ Legislative History ▫ Regulations ▫ Summer Practice	Read/View: ▫ LRD Ch. 16 & 18 ▫ Week 12 Folder
	Individual Meetings	Submit: Email agenda at least 24 hours before meeting
Week 13 Apr. 20 – 21	Motion Brief ▫ Final Product	Read/View: ▫ AAP Ch. 7 ▫ Week 13 Folder Bring to class (do not submit): Draft of complete motion brief
P7 (Motion Brief) due Apr. 23 before 6 pm		

LRWA Rules

Scope of the Rules

These Rules apply to all students and assignments in LRWA II: Trial-Level Writing (“Course”). The Rules simulate court rules that practicing attorneys must follow.

Rule 1. Course Attendance & Engagement

- 1.1 **Course Attendance.** An instructor or Writing Fellow will take attendance during every class session. Students are also responsible for maintaining their own attendance records. Pursuant to Academic Regulation 4-1, a student must be present for at least 75% of a class session to be counted as having attended that session, and any student missing more than 20% of the class sessions will not receive credit for the Course. Each mandatory individual meeting counts as a class session.
- 1.2 **Excessive Absences.** Any student who may miss more than 20% of the class sessions should immediately notify Annamaria Niels, Associate Dean for Administration and Student Affairs.
- 1.3 **Postings and Email.** Students must check both the Course main page and their instructor’s section page on TWEN daily for updates to the Course syllabus and assignments. Students must also check their George Mason email account each day.

Rule 2. Individual Work and Sources of Assistance with Assignments

- 2.1 **Restrictions on Writing Assistance and Collaboration Outside of Class.** Except as provided below, students may not request or accept writing, editing, or proofreading assistance from any person, nor may students review each other’s work for this Course during the semester. Because later assignments build on earlier assignments, this prohibition applies to drafts as well as final or graded assignments.
- 2.2 **Permitted Discussion, Group Exercises, and Peer Review.** Students may discuss the problems outside of class as long as the written work product is the student’s own. Students are permitted to, and encouraged to, engage in collaborative writing exercises when directed by their instructor or by an assignment memorandum. Instructors or Writing Fellows may distribute student work in class or post student work for instructional purposes, including critique and analysis. Students may also be asked to exchange work in class for peer review exercises. Students should discuss fellow students’ work in a professional and respectful manner.

2.3 **Permitted Writing Assistance.** Students may seek writing assistance on Course assignments from instructors, law librarians, Writing Fellows, the Director, the Assistant Director, and the Writing Center.

2.4 **Consequence(s) of Violation(s).** Students who violate these rules may receive a “0” for the assignment(s) involved, an “F” for the final grade in the Course, a referral to the Honor Committee, or any combination of these penalties.

Rule 3. Plagiarism

3.1 **Plagiarism.** A student must provide proper attribution when using the words or ideas of another person or a court. Students must use quotation marks when using another writer’s exact wording or when only slightly altering another writer’s wording. Carelessness or lack of intent does not excuse plagiarism.

3.2 **Consequence(s) of Violation(s).** Students who violate this rule may receive a “0” for the assignment(s) involved, an “F” for the final grade in the course, a referral to the Honor Committee, or any combination of these penalties.

Rule 4. Submission of Assignments

4.1 **Due Dates and Times.** Assignments are due as provided in the Course Calendar. **For deadlines “before” a stated time, submissions at or after the stated time are late. Late submissions will receive a “0.”**

4.2 **Submission Method.** Students must follow the submission instructions outlined in the syllabus or assignment memorandum, or as provided by the instructor.

4.3 **TWEN Submissions.** For assignments that require TWEN submission, students should access the appropriate drop box on their TWEN section page. Before submitting, students should ensure that they have attached the correct document. Resubmissions of projects will not be allowed.

Because there may be a time delay on TWEN, students should **begin to submit assignments at least fifteen minutes before the deadline** to ensure timely submission. The clock on the TWEN will determine the time of the submission. **Students assume the risk of a late submission by waiting to submit an assignment until the final minutes before a deadline.**

Upon submission, the student will receive a confirmation email that contains the date and time of submission. Students must retain a copy of the confirmation email; this

email will be required if the student has any submission issue or question regarding timely submission of any assignment.

In the unlikely event that an assignment fails to upload to TWEN because of a TWEN malfunction, a student may email the assignment to the Director at sfitzg11@gmu.edu. The time and date of receipt of the email will determine the timeliness of the submission. In the event of an email submission, the Director may investigate the student's activity on TWEN, including when submissions were attempted via TWEN, and any email submission may be rejected if the student did not first attempt submission via TWEN.

4.4 Deadline Extensions. Only the Director may grant an extension of an assignment deadline; students must not direct extension requests to section instructors or Writing Fellows. Extensions will be granted rarely and only for circumstances entirely beyond the control of the student. Students seeking an extension must (1) inform the Director of the emergency before the due date and time for the assignment if possible, (2) provide a written request to the Director as soon as practicable, and (3) provide documentation if requested. Extensions will not be granted for computer malfunctions, internet service disruptions, or other technological issues; such issues are not unexpected or rare.

Rule 5. Format

5.1 Formatting Requirements. Unless specifically directed otherwise, all writing assignments must be:

- In Microsoft Word format;
- Formatted for 8-1/2" x 11" unruled white paper with 1-inch margins;
- In black Times New Roman 12-point font (including footnotes and page numbers);
- Left aligned, with uniform indentation to indicate the beginning of a paragraph;
- Page-numbered, with only the typed page number centered at the bottom of the page;
- Double-spaced, with no extra spacing between paragraphs or sections *except* (1) extra space must be added to avoid stranding a heading at the bottom of a page, and (2) footnotes, block quotations, multi-line section headings, and multi-line "Re" lines in the main heading must be single-spaced;
- In compliance with the page limit, if stated;
- For office memoranda or portions of office memoranda, in compliance with LRWA Rule 6;
- For anonymous-graded assignments, students must include their anonymous grading number (AGN) in the file name and memorandum heading (for memoranda) or in the file name and signature block (for court documents). No other identifying information should appear anywhere in the file name or the document. Students are

therefore responsible for excluding their names and for removing metadata from anonymous-graded assignments.

5.2 Special Formatting Instructions. Special formatting instructions, different from or in addition to those specified above, may apply to a Course assignment. Whenever students are expected to follow special formatting rules, students will be informed of such expectations in writing.

5.3 Penalties for Non-Compliance. Failure to comply with any formatting rule on an anonymously graded assignment will result in a deduction from the final grade for the assignment of one-quarter (0.25) point per violation, not to exceed a cumulative one-point deduction on an assignment.

Rule 6. Memorandum Heading

Office memoranda and portions of office memoranda must have the following heading:

MEMORANDUM

To: [INSERT instructor's name]

From: [INSERT student's name or AGN, as appropriate]

Date: [INSERT assignment due date]

Re: [INSERT subject]

[INSERT body of memorandum]

Rule 7. Document Retention

7.1 Retention Requirements. Students must retain one ungraded copy of every assignment submitted and the graded copy returned from their instructor until all grades for the Course are available from the registrar. The student must also retain the TWEN email confirmation indicating the date and time of submission.

7.2 Retained Documents for Grade Appeals. Grade appeals on individual assignments are not permitted. Any student wishing to appeal a final Course grade must follow the procedure outlined in the Academic Regulations, and must retain and make available to the Director the ungraded copies, the email confirmations and attachments, and the graded copies of all assignments submitted by the student for the Course.