

## **SCHOLARLY WRITING**

**Course #510/003**

**FALL 2024 SEMESTER**

**PROF. SANDRA AISTARS**

This course will meet three times in the beginning of the semester. We will then take a break during which you may conduct intensive research and writing and seek any individual input you would like from me. We will reconvene towards the middle/end of the semester to discuss and comment on work in progress three additional times as a group.

Deadlines in this class are timed to ensure that you are working towards a draft that I will have commented on at least once before the winter break. You must keep up with deadlines in order to receive a passing grade.

In order to receive a CR for this course all materials must be submitted to me via TWEN with a GMU email date-stamped backup before 11:59pm Eastern time on the appropriate date. Note that these dates do not always correspond with dates on which classes meet.

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

**OFFICE HOURS:** Office hours are Tuesdays directly after class (unless I have a faculty meeting), I am also generally in my office from 1-1:50, and can be available by appointment at our mutual convenience. 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 resources to assist you in conducting research and blue booking. 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 other 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. You must write a paper worthy of at least a C to gain a CR in the course.

My aim is to help 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 expecting to take part in a writing seminar during which you actively engage with your work and that of your colleagues.

**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 proper 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 take part in class discussions and activities

#### **SCHOOL POLICY ON AI USE**

- Under Academic Regulation (“AR”) 4-3, the use of Generative AI resources in drafting your paper is prohibited. See the regulation in part:

AR 4-3: Limitations on the Use of Generative Artificial Intelligence (GAI) in Academic Work

(a) Definition: Generative artificial intelligence (GAI) is a type of artificial intelligence that uses algorithms to generate new content, such as text or images, based on the data it has been trained on. For purposes of this regulation, GAI is not intended to encompass legal research databases and word processing applications that, while incorporating AI-based elements or enhancements, do not generate novel text.

(b) Papers and coursework: The use of GAI in drafting or writing coursework, including papers and reaction papers, is prohibited unless expressly identified in writing by the instructor as an appropriate resource for the work in the instructor's course

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

**(Aug. 27) SESSION 1: TOPIC SELECTION; CRAFTING A NOVEL, NON-OBVIOUS, 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

- Prior to class email me a possible thesis idea and send me a copy of a journal article you wish to emulate and be ready to discuss why in class.
- Our aim will be to identify appropriate writing goals for each of your projects within the first couple of sessions starting by reverse engineering/analyzing articles that have already been published.
- You will create a personal writing project rubric to work with based on Volokh's guidance.
  - For this class start by clearly identifying in your draft rubric how you will judge whether you have successfully stated a thesis.
    - How will you test that the thesis makes a sound legal claim (and not a policy argument or a report or summary of the work/opinions of others)?
    - How will you test that the thesis is novel, non-obvious, useful?
  - Be prepared to discuss in class and to offer constructive comments to colleagues
  - Asking these questions about your specific topic and applying Volokh's guidance will begin to lead you step by step towards the research you need to do and point you towards how to refine your generalized topic idea into a workable thesis

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**(Sep.3) 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, blue booking and preemption checks.**

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**By Sunday Sept. 8**

- **Submit to me 3 questions you want to discuss and**
- **Post your refined personal writing rubric that incorporates**
  - **your notes from the Volokh readings**
  - **Post a link to the article you selected and your analysis of what qualities made the published article you selected as a model one worth following/what you plan to follow from that model**

**(Don't make it overly complicated)**

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**(Sep 10) SESSION 3: ASK ME ANYTHING**

Read Volokh – Chapter V Writing the “Background Section”, Chapter VI Writing the Proof of The Claim, VII The Conclusion, And After the Conclusion -- By now you should have completed the assigned Volokh readings about getting ready to write. You should also be conducting preliminary research to ensure that your initial topic ideas are viable and to begin to refine your thesis claims. This session is intended to afford you the opportunity to raise any questions about the readings, to help you refine your thesis and ensure you are working with claims that will yield promising papers.

During this session we will also partner up with writing partners for the rest of the sessions. You may choose a partner(s) you wish to work with, or we will draw names. All class participants are required to read and comment on each other's work, but writing partners will take the lead in offering comments and making suggestions in the last half of the class. In this class you will also exchange writing project rubrics with your classmates and identify and get help on areas where you are having challenges.

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**(Oct 1) INTRODUCTION & OUTLINE OF ANALYSIS DUE - TURN IN TO ME AND POST/CIRCULATE TO YOUR CLASSMATES** - This document should consist of your first attempt to organize your thoughts into a coherent argument. For a 30-page paper anticipate writing a thorough outline that could well be at least half that length

- State your thesis up front so we know what it is.
- Then give us a 5-7 paragraph introduction to grab our attention and outline your top-level arguments. Provide a path for us to follow.

- You may use an outline format for the rest of the document. Use headings that can become your table of contents.
- Under each heading, start with a topic sentence followed by bullet points summarizing sub points you will make. Ensure that those points logically flow from and support the headings/subheadings in each section.
- Include references to important statutes and cases you are relying on. Reference all important literature you will be engaging with.

#### **(Oct 4) COMMENTATOR REACTIONS DUE**

In preparing your reaction documents consider that class presentations will go as follows:

- The authors will present their work for 7-8 minutes.
- The commentator will have prepared their reaction following the author's rubric and the guidelines below in advance and shared it with me. The commentator will verbally summarize the reaction in class; then other classmates and I will join with additional reactions. In preparing reactions, please do the following
  - 1) Identify the author's thesis statement and proposal and state it back to us clearly. If you can't do it, it is not your fault, it is guidance for the author
  - 2) Follow the author's rubric and evaluate whether the author has met the goals laid out. If you disagree with the author's rubric for some reason, raise a question/make a suggestion for improving it
  - 3) Identify any areas of the draft that are unclear, hard to follow or not convincing and describe why. Remember that the article will be read by a generalist legal audience. Don't hesitate to suggest other resources or ideas for the author to explore.
  - 4) Think outside the box of the article – is there something in your research, studies or experience that might bear on the analysis. This can be legal, but it may also come from other parts of your life – prior work or scholarly experience, other life experiences, etc.
  - 5) Please also comment on parts of the draft that are particularly well done in your view! It is exhausting to receive comments from peers and colleagues and especially to receive them in a public forum. While we all know that the intention is good, and we are getting constructive feedback in order to improve a work in progress, it can be pleasant to hear a positive comment mixed in with suggestions for improvement.

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#### **(Oct 8) SESSION 4: DISCUSSION OF OUTLINES**

Read Volokh — Chapter VIII Finishing the First Draft, And the Zeroth Draft  
Full class meeting to discuss outlines following the process described above.

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**SESSION 5: SCHEDULE A ONE ON ONE MEETING WITH ME TO DISCUSS PROGRESS**

Schedule a one-on-one meeting with me at some point before your first draft is due to make sure you are on track with your thesis and research and to follow up on any issues that came up during the discussion of your outline in class. Optional, but highly recommended.

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**(NOV 12) FIRST DRAFT DUE – TURN IN FIRST DRAFTS TO ME AND CIRCULATE TO CLASSMATES**

**(NOV 15) COMMENTATOR REACTIONS DUE**

Answer same questions as for outline above, plus additional questions posted to TWEN

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**(NOV. 19) SESSION 6: DISCUSSION OF FIRST DRAFTS**

Full class meeting to discuss first drafts. Group members present their drafts and raise questions for input and suggestions from the group. Discussion led by writing partners using same approach as for outlines.

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**(JAN. 9) FINAL DRAFT DUE – TURN IN FINAL DRAFT BEFORE MIDNIGHT**

All work submitted in this class must be your own work product and must conform to the assignment.

Files must be submitted as Microsoft Word files (.doc or .docx) do not submit pdf files or any other type of file. The final paper should be double spaced and left justified in 12-point Arial font with 1" margins (0.5" 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 30-45 pages long. Footnotes should be single-spaced in 10-point Arial. All footnotes should conform to the Bluebook (20<sup>th</sup> edition) 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.

**PAPER EXTENSIONS:** Except for instances described in AR 4-4.1(b)(ii), faculty may not grant deadline extensions for final papers (i.e. Your portfolios); 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 <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.