

Scholarly Writing
George Mason University School of Law
Fall 2009
Profs. Blake, Blanton, and Ciambella

Scholarly Writing introduces GMUSL's journal candidates to writing and editing of scholarly legal journal submissions. The primary emphasis of the course is the mechanics of writing a publishable-quality casenote or comment. The course also introduces students to editing and source-checking professional pieces selected for publication by the journals. Scholarly Writing therefore seeks to improve the legal writing and editing skills of individual students, as well as enhance the overall quality of all the GMUSL legal journals.

Recommended Textbooks: There are two recommended texts for the course. Both books will be very useful resources throughout your scholarly writing experience and your career. Copies of both books will also be on reserve in library.

- Fajans & Falk, *Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and Law Review Competition Papers* (3rd ed. 2004). ISBN: 0-314-14631-8.
- Volokh, Eugene, *Academic Legal Writing: Law Review Articles, Student Notes, & Seminar Paper*. ISBN: 1-587-78477-7.

I. Class Schedule: The class schedule is subject to change.

Class 1: Wednesday, September 2, Room 121, 8:00 p.m. – 10:00 p.m.
Research Instruction and Computer Training
Discussion Topics:

Professor Ciambella will lead a lecture on research strategies and will provide guidance and insight on various resources available to GMU Law students through the library and other public research tools with an emphasis on sources most likely to be relied upon in drafting a scholarly piece. Training sessions with Westlaw and LEXIS representatives on topic selection, preemption checks, and computer research techniques will follow Professor Ciambella's lecture.

Class 2: Wednesday, September 9, Room 121, 8:00 p.m. – 10:00 p.m.
Lecture
Discussion Topics:

Purpose of Course and Review of Syllabus
Explanation of "Publishable Quality"
Introduction to scholarly writing
Topic Selection and Scope of the Topic
Preemption Checks
Outlining the student piece

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- Class 3: Wednesday, September 16, Room 121, 8:00 p.m. – 10:00 p.m.
Lecture
Discussion Topics:
 Organization and structure of casenotes and comments
- Class 4: Wednesday, September 23, Room 121, 8:00 p.m. – 10:00 p.m.
Lecture
Discussion Topics:
 Effective introductions and conclusions
 Road-mapping the student piece
 Style and tone of student pieces
 Use of legal authority and footnotes
- Class 5: Wednesday, September 30, Room 121, 8:00 p.m. – 10:00 p.m.
Lecture
Discussion Topics:
 Buttressing the analysis section
 Re-checking research
- Class 6: Wednesday, October 7, Room 121, 8:00 p.m. – 10:00 p.m.
Lecture
Discussion Topics:
 Polishing the final draft for submission
 Editing skills
- Class 7: Must be completed no later than October 30)
 Individual Meeting with Prof. Ciambella
 In lieu of class, meet with Prof. Ciambella. Once you have selected a topic, you must discuss your research plan with her early in the period between your journal's outline due date and the due date for your first draft.
- Class 8: T.B.A
 Advanced Blue-Booking Training
 Time, Date, and Location to be selected by applicable. Two hour training session and exercises on blue-booking and editing, using article selected for publication as source material.

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Class 9: T.B.A.
Roundtable Guest Discussion
Discussion Topics:
Common problems with student work
How their law review experience impacted their careers
The role of law review articles, notes, and comments in judicial decision-making
The role of law legal scholarship in appellate advocacy

Email for Scholarly Writing Submissions

Any and all submissions for Scholarly Writing are to be sent to the following email address:

scholarlywritingsubmission@cox.net

No emails will be accepted at this address other than submissions made consistent with the below. Likewise, do not send any submission to the any other email address. DO NOT SEND ANY OTHER EMAILS TO THIS EMAIL ADDRESS – they will not be acknowledged.

II. Submissions

Each time an email transmitting a submission is sent to the Scholarly Writing Submission email address, the subject line **must read** as follows:¹

Last Name First Name Journal Acronym² Submission Type
(ex. Joe Smith GMLR Outline)

Any submission sent without the proper subject line will eventually be sent back to the student to correct, however it **will be considered as a late submission** as the submission date will be the date it was submitted properly.

Each of the following will be required to be submitted to the Scholarly Writing Submission email (for details see below):

1. Topic Submission (may be typed into the body of an email)
2. Pre-Emption Check (may be typed into the body of an email)

¹ If for any reason you need to send more than one email per submission, use the same format and sequentially number the submission type (ex. Joe Smith GMLR Outline **2**; Joe Smith GMLR First Draft **3**, etc.)

² Please use the following Acronyms: GMLR, CRLJ, JLEP and JICL.

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3. Outline (including comments if appropriate)
4. First Draft
5. First Draft Comments
6. Second Draft
7. Second Draft Comments
8. Final Paper
9. Professional Mentor Feedback Form
10. Confirmation of Meeting with Prof. Ciambella

Unless otherwise noted below, the deadline for submission of all of the above is the same – the deadline is *no later than midnight the day after that submission was due for your candidate class to your respective journal*. For example, if the Second Draft is due to your Notes Editor on December 31st at 5pm, the Scholarly Writing deadline to submit your Second Draft is 11:59pm on January 1st. The extra day is to enable Candidate Members to focus on meeting journal deadlines first and to allow for scanning or document conversion to .pdf format or other formatting issues.

Unless otherwise noted below, all the deadlines are controlled by your respective journal. However, if you are granted an individual extension that is different from the Candidate Member class, then you should submit your assignment to the Scholarly Writing Submission email within 24 hours of your journal granted extension, and include a description of the justification for the extension, and the journal board member who granted the extension.

If your journal requires submission prior to the first Scholarly Writing class, you should submit the assignment as soon as possible. A submission will be considered late for purposes of Objective Factor #3 if it is submitted more than 24 hours after the first class.

If you miss a Scholarly Writing deadline, you should submit the assignment as soon as possible and include an explanation for your tardiness. Do not contact the professor.

Each submission shall be cc'd to your Notes Editor/s (consistent with your journal's policy), your professional Mentor (consistent with his/her preference), and your student mentor (if applicable).

Topic Selection

You shall send a one paragraph description of your topic in the body of an email to the Scholarly Writing Submission email address. You should be sure to note who ultimately approved your topic, and who you consulted in developing your topic. You may include some additional context or other information if you think it is important, but it is not a requirement. Such other information may be that your original topic was pre-empted; that your original topic was narrowed by the Notes Editor; that you determined your original topic did not have enough readily available resources to undergird a well-supported article; any information you deem appropriate to include at this stage, etc.

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Pre-Emption Check³

You shall send a list of at least 10 journal articles related to your topic⁴ – using proper Bluebook form – that you reviewed in determining that your topic was ***not*** pre-empted. You may, in addition, submit any chart or other tracking document/notes you may have developed during the process, but you must still list at least 10 articles in the body of the email. You should be sure to note who ultimately concluded your topic is not pre-empted (*i.e.* self or Senior Notes Editor, etc.), as well as anyone who was consulted or assisted in your pre-emption check efforts (ex. Professional Mentor, Prof. Ciambella, etc.).

Outline

You shall submit your Final Outline in Microsoft Word or Adobe .pdf format. You may also submit your draft outline, complete with comments from a third party (if any), if you would like. Submission of the draft outline or any comments is not required but if not submitted, it will be assumed you developed the final outline without any assistance from a mentor, editor or other person. Be sure to keep track of the date you receive feedback from your journal editors on your Final Outline, it will be needed to fill out the Final Paper coversheet.

First Draft

You shall submit your First Draft in Microsoft Word or Adobe .pdf format.

First Draft Comments

You should submit your First Draft comments in Microsoft Word or Adobe .pdf format. You may submit the .pdf of the comments you received on your first draft at any time prior to submitting your Second Draft. It is advisable to request comments be made in Microsoft Word “track changes” so the comments can easily be submitted. However, that is not a requirement. You may receive feedback via email, orally or by hand written notes. If your Notes Editors feedback was oral, than you should take notes and scan those notes or type them into a Word document and submit them. If you received an email, you should cut-n-paste the email into Microsoft Word document and submit that. If the comments were hand written or appended to the draft, then those notations should be electronically scanned and submitted. Comments received through some other form, should be documented electronically and sent to the Scholarly Writing Submission email. You may (and should) also submit any feedback or comments you may have received from your Professional Mentor or others who are assisting your effort. Hard copies will not be accepted without prior approval.

Second Draft

You shall submit your Second Draft in Microsoft Word or Adobe .pdf format.

³ If your journal requires your topic selection and pre-emption check at the same time, they should still be submitted to the Scholarly Writing Submission email as separate assignments (*i.e.* separate emails).

⁴ This requirement will be applied reasonably, but the relatedness of the 10 articles you list is dependent on the scope of your topic. The articles submitted should inform your topic selection in some fashion and if asked, you should be able to article how that article informed your topic selection.

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Second Draft Comments

You should submit your Second Draft comments in Microsoft Word or Adobe .pdf format. Comments received through some other form, should be documented electronically and sent to the Scholarly Writing Submission email. (same as for First Draft).

Final Paper Requirements

- Every Final Paper must be submitted to the Scholarly Writing Submission email address **no later than Midnight on January 31st**. No extensions will be granted for any reason. Do not ask.
- Every Final Paper must be submitted in Microsoft Word or Adobe .pdf format.
- Every Final Paper must have a Cover Page with the following information:

Date of Topic Submission: _____
Name of Person/s Who Commented on Topic: _____

Name of Person/s Who Completed Pre-Emption Check: _____
Date of Last Thorough Pre-Emption Check: _____

Name of Professional Mentor: _____
Title of Professional Mentor: _____
Professional Mentor’s Place of Work: _____
Phone Number of Professional Mentor: _____
Email Address of Professional Mentor: _____

Date of Outline Submission to Scholarly Writing email: _____
Date Review and Comment was Received: _____
Name of Person/s Who Commented on Outline: _____

Date of Meeting with Prof. Ciambella: _____

Date of First Draft Submission to Scholarly Writing email: _____
Date Review and Comment was Received: _____
Name of Person/s Who Commented on First Draft: _____

Date of Second Draft Submission to Scholarly Writing email: _____
Date Review and Comment was Received: _____
Name of Person/s Who Commented on Second Draft: _____

FINAL PAPER

Total Pages: _____
Total Footnotes: _____
Total Number of Cases Cited: _____ (count ea. case only once)

Please list here 3 cases which are most crucial to your analysis:

- 1.
- 2.
- 3.

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Total Number of Secondary Sources: _____ (include only other legal scholarly writings or legal books but do not count newspaper articles, magazine or non-legal sources of any kind)

Please list here 3 secondary sources which are most crucial to your analysis:

- 1.
- 2.
- 3.

Certification: The above information is complete and accurate and the attached Final Paper is submitted for credit in Scholarly Writing pursuant to all provisions of the Honor Code.

/S/ (electronic signature is acceptable)

Signed: Joe Smith, GMLR

Mentor Form

Mentor Forms must be turned in no later than February 10. Mentor Forms may be turned into Prof. Blake's faculty mailbox or sent electronically to the Scholarly Writing Submission email. Each mentor form has a box that can be checked if your mentor wishes to supply feedback directly to the professors (by email or other format), requests a phone call from the professor, or declines to fill out the form. Regardless, a form must be turned in for every student.

Meeting with Prof. Ciambella

Each student shall meet for at least 30 minutes with Prof. Ciambella. Once your meeting occurs, each student shall send an email to the Scholarly Writing Submission email confirming the meeting occurred. Feel free to provide any additional feedback about the meeting but it is not required.

“Publishable Quality” Final Paper

Definition: A paper of “publishable quality” for purposes of earning credit for Scholarly Writing is a note or comment that has a clear, focused and original thesis that is comprehensively researched and attributed, factually flawless, well-written, logical organized and contains thorough analysis of the chosen legal topic.

“Publishable quality” is an assessment of the Final Paper itself; not it's potential. That is, a Final Paper that is of “publishable quality” should not require significant further editing before it could be published in your legal journal. “Publishable quality” does not mean a “final draft.” “Publishable quality” is not a gauge for amount of effort.⁵ “Publishable quality” means an “A” paper, as opposed to a “C” paper. “Publishable quality” is equivalent to a writing sample that you would proudly and without further editing share with your current and future employer.

⁵ It is possible to work very hard and still NOT produce a “publishable quality” note. Of course, it is highly unlikely that a Candidate Member that works hard and also attends class, listens and participates, becomes familiar with the Bluebook, implements feedback received from editors, student mentors and professional mentors during multiple rounds of editing over 6 months will produce anything but a “publishable quality” Final Paper.

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Journal Metrics: Each journal Board of Editors will provide the professors with rankings or metrics regarding their assessments of Candidate Member papers turned in for purposes of matriculating to their journal. The professors will use these metrics to identify a minimum of five papers per journal that will be closely examined by the Professor for a determination of whether those students meet the “publishable quality” standard. Matriculation to your journal DOES NOT also mean you receive credit for this course. Likewise, being ranked low DOES NOT mean the paper is of non-publishable quality or that you will not matriculate to your journal.

Grading Scale: Papers will be assessed on a 10 point grading scale. One point may be earned for each factor described below. Any paper which earns 5 points or less will not earn credit for the course. Failing to earn credit for the course does not automatically mean you will not matriculate to your journal. Any student who fails to produce a “publishable quality” Final Paper will not receive credit and the Records Office will be directly notified. That student’s Editor-in-Chief will be advised that the paper was deemed not to be of publishable quality.

Objective Requirements:

Factor #1. Page Limits and Support⁶

- There is a minimum page requirement of 25 pages and a maximum page limit of 50 pages. There must be at least 170 footnotes (including *Id.*).⁷

Factor #2. Formatting⁸

- All papers must be double spaced throughout (including Part/Section Titles). No “before” or “after” line spacing.
- All papers must have 1 inch margins on top/bottom/left/right.
- All papers must use Times New Roman 12 point font above the line.
- All footnotes must use Times New Roman 10 point font and be single spaced with one return between each footnote.

Factor #3. Timeliness

- All deadlines must be met without exception.
- All papers must be sent to the Scholarly Writing Submission email address no later than midnight on date the paper is due. If there is any question, the student will be required to provide evidence of timely submission so consider printing the “sent” email with the time/date stamp.

Factor #4. Fulfilled all Submission Requirements

- One point will be earned if the candidate member has sent to the Scholarly Writing Submission email address each of the course required submissions

⁶ This requirement may be fulfilled by a quality paper of less than 25 pages or fewer than 170 footnotes but only via a request submitted by the Editor-in-Chief of your journal which may or may not be granted.

⁷ This is slightly less than 7 footnotes per page.

⁸ Note that these formatting requirements may not be the same as those for your individual journal.

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(including a complete Final Paper Coversheet), using .pdf and using the proper email subject line.

- This factor does not consider timeliness (except for the final paper; see below).

Factor #5. Provided Completed Professional Mentor Form

Subjective Requirements:

Factor #6. Class Participation

- Class participation will be tracked throughout the semester.

Factor #7. Organization and Structure

- No mistakes in the Final Paper outline will be acceptable.⁹
- All papers must utilize the outline and structure discussed in class (i.e. Introduction (w/roadmap), Background, Analysis, and Conclusion). Any paper that includes sub-sections (i.e. I. A. 1. **a.**) will be closely examined for why it was necessary to implement such a complex level of organization. No paper should utilize any level of organization below a subsection. No paper should set off a section without a label/title.
- Does the paper flow from beginning to end and does it have “readability”?
- Is there a logical structure (ex. old to new; simple to complex; strong to weak; chronologically, etc.)?
- Is information important to targeted readers easy to locate?
- Does a strong and clearly written Roadmap paragraph appear at the end of the Introduction?
- Other organization and structural issues will be examined and considered.

Factor #8. Grammar and Bluebooking Errors

- Bluebooking errors will be judged according to the following graduated scale: 0 errors for any paper with less than 50 footnotes; 2 bluebooking errors for any paper with between 51 and 100 footnotes; 5 bluebook errors for any paper with between 101 and 199 footnotes; and 15 bluebook errors will be allowed for papers with more than 200 footnotes.¹⁰ “Advanced” bluebooking errors may be ignored for purposes of this factor at the Professor’s sole discretion.
- No more than one grammatical error, including any typographical errors, will be allowed per page. Grammatical errors will be determined by referencing the Candidate Member’s journal style guide or required style guide.

⁹ For example, if the roadmap paragraph references Part VI, and there is no Part VI to the paper.

¹⁰ For example, if a Candidate Member fails to identify the deciding court in a basic case citation of a non-Supreme Court case, it will be counted as one error. If that same mistake – forgetting to identify the deciding court – is then repeated in another 30 case citations, then the Candidate Member will have accrued 31 errors, not one.

Factor #9. Analysis

- Particularly strong or original analysis may be counted more than once at the sole discretion of the Professor.

Factor #10. Topic Choice

- Particularly original or unique or challenging thesis may be counted more than once at the sole discretion of the Professor.

Factor X.

- At the time of submission of the Final Paper, any student may on their own behalf submit information which may also be considered by the Professor in making the “publishable quality” determination. Provided information may explain efforts above and beyond those required of all Candidate Members or may explain non-obvious weaknesses or even obvious weaknesses which were uncorrectable before final submission. Any student may also have someone other than themselves make a submission on their behalf so long as that person is familiar with the Candidate Member and his/her work on the Final Paper (ex. journal board member, professional mentor, etc.). Consideration of any Factor X submission is solely within the discretion of the Professor. NO Factor X submission will be accepted after the Final Paper is submitted – it must be done contemporaneous to submission of the Final Paper.

Extra Credit:

- Extra credit will be available throughout the semester by contacting the professor. Extra credit opportunities may include leading various class exercises, reading and presenting a scholarly article or other relevant writing, critiquing or editing documents, briefing class on a symposium, etc. Only one extra credit opportunity will be given to each student.

Disqualifying Factors

- All papers must be submitted using Microsoft Word or Adobe (.pdf format). Any paper submitted in any other format will not receive credit.
- Any final paper turned in with comments still embedded in the paper will not receive credit.
- Any final paper turned in after midnight on January 31st will not receive credit.
- Any final paper turned in without a complete and accurate “Cover Page” will receive a deduction of one point.
- You may not use a paper submitted for credit in Scholarly Writing for credit in any other class. Do not ask for permission.

Permission to Publish without Attribution

- The Professor may use any submission at any time during class as an example but will not divulge who authored the sample.

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