

SCHOLARLY WRITING
Course #510/001
FALL 2021 SEMESTER

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This course will meet twice in the beginning of the semester as a full class. Thereafter you will have a break during which to conduct research and writing and to seek any individual input you would like from me. Towards the middle/end of the semester, beginning on October 20, you will sign up to meet with me in small groups to discuss and comment on work in progress four (4) additional times during the regularly scheduled class time or during office hours at times selected by you via sign up sheets on TWEN. **Please sign up for your desired slot well in advance and circulate your working draft to me and those students participating in your session at least 48 hours in advance of the session so that everyone has time to review and prepare to discuss each others work. All students participating in a given session will be required to read and give thoughtful comments on the other participants' drafts.**

All journal editors and scholarly writing instructors have agreed to the below deadlines for submitting required course elements. In order to receive a CR for this course all materials should be submitted via TWEN before midnight Eastern time on the appropriate date. Note that these dates do not necessarily correspond with dates on which classes meet.

September 5, 2021: Topic Selection

September 19, 2021: Preemption Check

October 30, 2021: First Draft

December 5, 2021: Second Draft

January 9, 2022: Final Comment/Note

OFFICE HOURS: Office hours are Wednesdays directly after class (from 12-1pm). Depending on the COVID situation later in the semester I may elect to conduct small group meetings and office hours via zoom.

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 Research Library Professionals are preparing a variety of materials which will be linked to in TWEN to assist you in conducting research and bluebooking. I have already 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 additional 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 required for all members of Scalia Law journals. My aim is to assist you in writing the best, most relevant article with the least amount of pain possible. I have practiced law in various settings for over 20 years before coming to Scalia Law five years ago 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 only if you are willing to treat it as an active writing seminar and engage with your work and that of your colleagues professionally and with interest during the course of the seminar.

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, which 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 appropriate 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 participate in class discussions and activities
- 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.
- Per AR 4-4.1(b)(iii), I must deduct a full letter grade for each 24-hour period that the paper is submitted beyond the deadline.
- I may add one-third of a letter grade for exceptional participation in class meetings.
- **Class participation:** students will be required to complete in class writing exercises designed to help refine and polish selected topics, including presenting research and writing progress throughout the course of the seminar, and providing constructive feedback and advice to classmates. Active and professional participation in all seminar discussions is required to earn a CR.

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 before midnight, January 9, 2022.**

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 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.

COURSE RULES/STRUCTURE:

- We will conduct the bulk of our seminar in the style of professional scholarly discussions in which peers carefully evaluate and present feedback on each others work. Whether presenting or receiving comments in academic roundtables, I have found this to be one of the most rewarding means not only of improving my own work, but of engaging meaningfully with the work of colleagues.
- To facilitate this, students will sign up for small group sessions to discuss works in progress towards the end of the semester. **Students must upload their presentations and questions for feedback to TWEN 48 hours in advance so that classmates and I have a chance to review and prepare thoughtful comments prior to class.**
- Discussions will run as follows:
 - Presenting student presents draft
 - Participating students present comments and suggestions
 - Professor presents additional critique and feedback
- In the event we must meet via zoom, class sessions will be held with cameras on (directed at the student), mics off unless speaking. Please ensure your name is correctly displayed in Zoom for attendance purposes and so that all participants may address you as you prefer to be addressed. Put your name and or a question in the chat box to be recognized to speak, and use the chat function only in the message all mode.

EMAIL COMMUNICATION: Students must use their MasonLive email account to receive important University information, including communications related to this class. In accordance with University policy I will not respond to messages sent from or send messages to a non-Mason email address.

ATTENDANCE: Regular and punctual attendance is required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should circumstances occur where you anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), you should immediately contact the Assistant Dean, Student Academic Affairs to make appropriate arrangements and notify me.

- Class sessions are recorded for purposes of continuity of instruction and for attendance purposes. Attendance will be tracked by noting whether you were actively participating

on line with the camera engaged and pointed at you and as per course instructions above for the duration of the class.

CLASS RECORDINGS PROHIBITED: Pursuant to Academic Regulation 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. This is especially important given the nature of our seminar where we will be discussing works in progress and want to ensure an atmosphere of trust and open discussion.

COVID HEALTH & SAFETY REQUIREMENTS: Please refer to the most up-to-date University policies [here](#).

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. 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 <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.

ADDITIONAL SCHOOL POLICIES AND RESOURCES:

STUDENT HONOR CODE - [Click Here](#)

ACADEMIC REGULATIONS - [Click Here](#)

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/>

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

(Aug. 25) SESSION 1: TOPIC SELECTION; CRAFTING A NOVEL, 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

Please come to the first class with three possible ideas you might want to write about and be ready to discuss why. We will do an in class writing exercise to help you articulate your ideas about your favorite topic better.

(Sep. 8) 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 & bluebooking.

(Oct. 20) SESSION 3: THE BACKGROUND SECTION
Read Volokh – Chapter V Writing the “Background Section”, Chapter VI Writing the Proof of The Claim, VII The Conclusion, And After the Conclusion

Small group meetings to discuss current drafts. Please sign up for your desired slot well in advance and circulate your draft to me and those students participating in your session at least 48 hours in advance of the session so that everyone has time to review and prepare to discuss.

(Oct. 28) SESSION 4: THE ZEROth DRAFT OR A KITCHEN SINK OUTLINE
Read Volokh – Chapter VIII Finishing the First Draft, And the Zeroth Draft

Small group meetings to discuss current drafts. Please sign up for your desired slot well in advance and circulate your draft to me and those students participating in your session at least 48 hours in advance of the session so that everyone has time to review and prepare to discuss.

(Nov. 11) SESSION 5: FINAL FEEDBACK

Small group meetings to discuss current drafts. Please sign up for your desired slot well in advance and circulate your draft to me and those students participating in your session at least 48 hours in advance of the session so that everyone has time to review and prepare to discuss.

(Nov. 18) SESSION 6: FINAL FEEDBACK

Small group meetings to discuss current drafts. Please sign up for your desired slot well in advance and circulate your draft to me and those students participating in your session at least 48 hours in advance of the session so that everyone has time to review and prepare to discuss.