

## SCHOLARLY WRITING

Professor Michelle Boardman

Fall 2021 Law 510 002

Certain Tuesdays from 1:50-3:50 and by individual meeting

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.

This course will allow you 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

### 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* (21st ed.)

### COURSE SCHEDULE

This course will meet certain Tuesdays at 1:50. We will not meet every week. Students will also have individual meetings with Professor Boardman, often, but not necessarily, by Zoom.

**First assignment:** For our first class on August 24, please read (a) Chapter I in Volokh's "Academic Legal Writing," feeling free to skip those sections that do not apply to your experience (the section on research assistants, for example), and (b) Delgado's short piece, "How to Write a Law Review Article." Our goal is for the first several classes is to identify a topic that you will enjoy, that will satisfy your editors, and that will make a contribution if published.

Some of these topics may be combined into a single session, and some may take more than one session. In addition to these topics, we will also hold one-on-one meetings and workshops on mutually convenient dates.

- Topic 1: Choosing a manageable student topic; adding to the academic conversation
- Topic 2: Researching and selecting sources
- Topic 3: Thesis: Volokh's four factors (novel, nonobvious, useful, sound)
- Topic 4: Drafting the background section—roadmaps, giving context, depth of research
- Topic 5: Drafting the analysis section—proposing a solution supported by the background section; honestly addressing all legitimate counterarguments
- Topic 6: Academic citation—review of Bluebook citation and its importance

- Topic 7: Refining the thesis and proposed solution
- Topic 8: Drafting professionally

## **OFFICE HOURS**

Automatic office hours will be from the end of class on days that we meet until 4:50 or later, as needed. Individual meetings, for a quick question or for more in-depth discussion, can be scheduled at any time, to be held in person or by Zoom, as is mutually convenient. A three-minute conversation with me may save you a day of wasted research. When in doubt, email me with a question or ask for a quick Zoom meeting.

## **BASIS OF EVALUATION AND ASSESSMENTS**

Scholarly Writing is a credit/no credit (“CR”/“NC”) course. Under Academic Regulation 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.

## **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 of Student Academic Affairs.

## **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.

## **FINAL PAPER FORMATTING REQUIREMENTS**

Your final paper should be submitted as a Microsoft Word file. 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 Monday, January 10, 2022.

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. In fairness, the journals’ editorial boards and faculty advisers have no authority over my evaluations of your work for this course.

### **ACADEMIC INTEGRITY**

I expect that students will adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes your obligation to never represent the work of another as your 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. If an objective reader would recognize a passage as substantially constituting the words or ideas of another writer, you must attribute that passage to the original writer. A mistake in failing to carry over citations when cut-and-pasting material from electronic sources is not an defense against plagiarism for academics, and it will not be one for you.

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 speak with me. It is not cheating to rely heavily on the work of other writers; academic works are conversations with the existing literature. The goal is not to avoid other’s work. The sin it to fail to properly attribute the work.

### **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). 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.