

Antonin Scalia Law School
George Mason University
Fall 2021

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Scholarly Writing

This course teaches new journal members the principles and skills in writing an academic article. The course focuses on the mechanics of researching, writing, and editing a publishable-quality note or comment. This is a different skillset from what students learn in the LWRA course or in professional legal work in which they produce legal memos or briefs filed in court. The goal is for students to produce an original work of scholarship that will be published in your journal at Scalia Law or in another journal. Ideally, you will use the skills you acquire in this course in mentoring journal candidates next year, and, even more importantly, in your professional career in continuing to write articles and other scholarly work-product addressing important topics in law and policy.

LOGISTICS

1. Class Schedule

The class is formally scheduled for Monday, 8:10pm – 10:10pm.

Classes will initially meet at this time at the beginning of the semester in addressing the fundamental skills in researching and writing an academic article, such as identifying a topic, early-stage researching, outlining, etc. We will then meet in group sessions and one-on-one sessions to review drafts and engage in practical exercises in editing students' written work-product.

2. Attendance and Class Preparation

Students are responsible for complying with Scalia Law's regulations regarding attendance. To ensure compliance, I will take attendance. If you are tardy, it will be counted as an absence unless you tell me to mark you as present before I leave the classroom at the end of class. Two tardies will equal one absence.

Students should come to each class meeting having completed all assigned readings, and students should also bring any assigned samples of their work for discussion.

3. COVID-19 and Online Class Requirements

Students are expected to follow university rules or government mandates concerning quarantines or social interactions.

If you exhibit symptoms of COVID-19, do not come to class. If you do so, you only ensure that, even if you are not sick, your symptoms will require others to be quarantined and the entire class

may be forced to hold courses online for two weeks, at a minimum. This will negatively impact your educational experience, as well as your fellow classmates.

If you test positive for COVID-19, exhibit any symptoms, or must be quarantined briefly under contact-and-tracing rules, you should attend online. For anyone attending class online—or if the entire class shifts to online due to a shutdown order, the class as a whole must be quarantined, or if the professor is quarantined—the student must ensure that he or she has a proper internet connection and sufficient computer hardware that makes it possible to attend the class. Barring actual COVID-19 symptoms that leave a student incapacitated, the attendance policy applies for anyone attending online or if the entire class shifts to online instruction for any period of time.

For online attendance, students should find a place in one's home that ensures an uninterrupted video feed with minimal disruptions from family or roommates, if possible. Full names must be listed in video panels. Unless there is a disruption to the student's environment or some other problem, students must keep their video turned on. Students must have a current photo in their Zoom profile, preferably a headshot, in case active video feeds must be turned off momentarily. If a disruption requires a student to turn off one's video feed for more than a minute, I should be emailed about the reason and provided confirmation that the student was still attending class. If this regularly occurs, it will count in applying the law school's attendance rules.

Unless a student is speaking, all students must be on mute. It is strongly recommended that students use headphones and microphones.

If a student is unable to log into Zoom via computer, then the student should telephone into class. If this occurs, the student must immediately email me with their telephone number so I can identify the student for that class for purposes of both attendance and class participation. "I could not access Zoom on my computer" is not a valid excuse in applying the attendance policy.

The Antonin Scalia Law School's Honor Code is applicable to students away from the law school but attending classes online.

4. Office Hours

Office hours will be held after class meeting on Mondays and by individual meetings scheduled in advance with students, either by Zoom or in person.

I also have an open-door policy for students. Please feel free to stop by whenever you'd like, as I am in my office regularly throughout the workweek. (If my door happens to be closed, please knock and let me know that you are there.)

5. Technology Requirements

(a) TWEN

Registration for the class website (TWEN) site is mandatory. (For those who may not have used TWEN yet, go to lawschool.westlaw.com, click on the TWEN tab at the top of the page

and follow the instructions.) I will post announcements, updates to the syllabus, and supplemental class materials to the TWEN site. If you do not register with your current email address, you risk not receiving class notices, changes to the syllabus, and whatnot. “I forgot to register at TWEN” is not a defense against applying the grading rules.

(b) Zoom

All students must have a Zoom account before the first class on August 23, 2021 so that we can shift seamlessly to an online format if a shutdown is ordered, if we have to quarantine for two weeks, or if we meet via online for any other reason.

6. Grade and Course Credit

Scholarly Writing is graded with a credit/no credit (CR/NC) designation. According to 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.”

In determining whether a student will receive CR for the course, I’ll first assign each final paper a letter grade (A – F), depending on the final paper’s evidencing the organizational, structural, stylistic, and analytical concepts that were taught in the course. The assignment of grades is an objective, not comparative, determination, i.e. there is no curve in this course.

There will be a one-third grade deduction if the final paper does not conform to the formatting requirements, as identified below. Furthermore, pursuant to Academic Regulation 4-4.1(b)(iii), a full letter grade will be deducted for each 24-hour period that the paper is submitted beyond the submission deadline.

Lastly, final grades may be adjusted upwards or downwards by one-third grade (e.g., from B to B+ or from B to B-) based on a student’s participation in the course and actions throughout the semester. *There is no entitlement to bumping up a grade*; it is only a gratuitous bonus. A student’s grade may be lowered for unpreparedness or unprofessional conduct in the classroom, e.g., being rude to your fellow students, missing deadlines, etc.

7. Final Paper 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 to me via email (not TWEN) before **10:00 p.m. ET on Sunday, January 9, 2022**.

The paper should be double-spaced in 12-point Times 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.

Footnotes should be single-spaced in 10-point Times Roman; block quotations should again be indented 0.5” on each side. All footnotes must conform to the Bluebook (21st 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 Roman. Every page should have a header with your last name centered at the top in 12-point Times Roman.

8. Learning Outcomes

By the end of the course, students will be able to:

- formulate a thesis that is descriptive, prescriptive, or both
- identify and properly use authorities supporting and opposing each proposition necessary to prove the thesis in an article
- create a background section that gives appropriate context for a reader
- state and defend a thesis in the style and format of an academic article
- apply the rules of citation for academic articles

9. Texts for the Course

(a) Required

Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review* (5th ed. 2016)

The Bluebook: A Uniform System of Citation (20th ed. 2019 or 21st ed. 2020)

(b) Recommended

Bryan A. Garner, *Garner’s Modern English Usage* (4th ed. 2016)

William Strunk, Jr. & E.B. White, *The Elements of Style* (4th ed. 1999)

10. Academic Integrity

Students will 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/>.

In academia and in scholarly writing generally, plagiarism is a serious offense with potentially career-ending implications. You must be diligent in your work habits and in editing to ensure that you are attributing words and ideas appropriately. If a reader would reasonably recognize a passage as substantially constituting the words or ideas of another writer, you must attribute that passage to the original writer. Carelessness in work, inattention to detail, and a failure to carry over citations when cut-and-pasting material from electronic sources, among others, are neither excuses nor defenses to

committing plagiarism with the appropriate sanctions being applied to a writer. Any submission of written work-product in this course may be tested using plagiarism-screening software.

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.

11. Miscellany

Students are not permitted to record lectures without first obtaining my permission to do so.

Any written work-product submitted in this course 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.

I have no authority over membership or other qualification determinations by each respective journal. Please direct all questions about journal operations to your editorial board or the faculty adviser for the journal. Similarly, these editorial boards and faculty advisers have no authority over my evaluations of your work for this course.

I RESERVE THE RIGHT TO CHANGE THE SYLLABUS AND ANYTHING ELSE IN IT, except the policies pertaining to attendance and CR/NC, which proverbially will be set in stone as of the first day of class.

12. Course Schedule and Submission Deadlines

As noted, the course will meet in the first several weeks of the semester, and then we will meet throughout the semester in one-on-one meetings and in group sessions. Depending on academic goals or quarantine circumstances, we may reconvene as a class in person or by Zoom for some meetings later in the semester. The one-on-one meetings or group sessions will occur at the regularly scheduled class time or by other designated times that are convenient those meeting.

This is a preliminary list of deadlines, class meetings, and topics. Except for the submission deadlines, this is subject to change.

CLASSES / DEADLINES	TOPICS AND READING ASSIGNMENTS
August 23	Choosing a topic; adding to the academic conversation; the elements of a good thesis; general writing skills and tips. Volokh, pp. 1-59, 97-100, 219-272
August 30	Researching (presentation by Research Librarian, John Scherrer). Volokh, pp. 101-118, 168-218, 358-366

September 5	Topic Selection (submitted to me and to journals)
September 19	Preemption Check (submitted to me and to journals)
September 20	Drafting and editing the article: the background section (roadmaps, giving context, depth of research), the analysis section (proposing a solution supported by the background section), and forthrightly addressing all legitimate counterarguments Volokh, pp. 60-96, 130-167, 368-375
October (dates TBD)	Individual and group meetings to review drafts
October 30	First Draft (submitted to me and to journals)
November (dates TBD)	Individual and group meetings to review drafts
December 5	Second Draft (submitted to me and to journals)
December (dates TBD)	Individual and group meetings to review drafts
January 9, 2022	Final Paper (submitted to me and to journals)