

Scholarly Writing -- Law 510
Antonin Scalia Law School at George Mason University
Fall 2021

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Class Hours: Mondays 1.50pm-3.50pm.

Office Hours: Wednesdays 3.05-4.10pm. I will also answer short questions after class. I ask that you notify me, at least 24 hours in advance, if you intend to participate in virtual office hours. Also, I am generally available via appointment at other times for Zoom discussions and also via email.

Casebook and Course Materials:

- 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/21st ed.)
- Additional Material will be posted on Blackboard

Course Overview/Description: This semester you will focus on writing for an academic audience. Your final product will be an original comment or case note suitable for publication either in your ASLS journal or elsewhere. Prerequisite: None.

Learning Outcomes:

- *Articulate a legal thesis that is both descriptive and prescriptive*
- *Choose a timely and useful legal research topic*
- *Identify proper authority supporting and opposing each proposition*
- *Assemble primary and secondary sources into a background section that gives context*
- *Describe a novel, nonobvious, useful, and sound solution to a legal problem*
- *Anticipate counterarguments and defend your arguments*
- *Apply the rules of legal citation for academic works (the Bluebook "white pages")*

Grading: Students will either receive credit (CR) or no credit (NC) in this class. 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.

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.

To receive CR, you must in addition complete all assignments and fulfill the attendance requirements set forth below.

Expectations, Rules, and Structure:

Please come to each class having completed all assigned readings. Bring any assigned samples of your own work for discussion.

Students must use their MasonLive email account to receive important University information, including communications related to this class. I might not respond to messages sent from or send messages to a non-Mason email address.

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, Student Academic Affairs. There is no substituted work available for this course (see AR 4-1.2). If you are not present for at least 75 percent of a session of the course, you will be considered absent from that session (AR 4-1.1).

Class Recordings:

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.

Requests to access a particular meeting to accommodate a COVID-related absence should be made to the Assistant Dean, Student Academic Affairs.

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/>.

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.

The Syllabus is Preliminary and Subject to Change: We may deviate from the tentative syllabus to accommodate scheduling changes, etc. Please make sure you are signed up to receive updates via Blackboard.

Final Paper Formatting Requirements: Your final paper should be submitted as a Microsoft Word file (.doc or .docx). I will provide submission instructions. The due date will be Sunday, January 10, 2021 (by 10pm EST).

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/21st ed.) for academic works, including the requirements of the Tables. Do not include a "glory note."

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.

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 and/or faculty adviser. Likewise, the journals' editorial boards and faculty advisers have no authority over my evaluations of your work for this course.

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.

Course Schedule:

This course schedule is preliminary, and I may change it if the need arises.

#	Preliminary Date	Readings	Activity
1	August 25	Ch 1	Potential topics discussed
2	September 1	Ch 2, 9, 19	Research Librarian meeting
3	September 8	Ch 3, 4, 10 (pp. 223-231)	Report on selected ideas. Identify outstanding issues with ideas,

			potential problems, and what aspects to focus on.
Due: 9/13: Topic Selection (with emphasis on preemption) 9/27: Introduction			
4	September 29	Ch 5, 6, 7, 8	Thesis and introduction presentations and comments.
5	October 13	Ch 10-16	Revised thesis and introduction presentations and comments.
Read: Ch 20, 27, 29, Appendix I Due: 11/1 Background Section			
6	November 10	Ch 18	Presentation and feedback.
7	November 17	Ch 24, 25	Presentation and feedback II.
Due: 11/23 Draft (optional) Due: 10pm EST 1/10/2022 Final Paper			