

SCHOLARLY WRITING

Professor Michelle Boardman

Fall 2023 Law 510 005

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

This semester you will focus on writing for an academic journal. This requires a different skill set than that used in writing a brief or a 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 MATERIALS

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.)

TWEN: The Research Library Professionals have prepared a variety of materials on researching and proper Bluebook citation, all of which will be available to you on TWEN.

COURSE SCHEDULE

This course will meet certain Thursdays at 1:50. We will not meet every week. Students will also have multiple individual meetings with me, usually by Zoom. You are not limited to the required meetings. It is always better to speak with me early and often, in person, by email, or on Zoom.

Bolded dates either require you to communicate with me or to attend a group class session.

By August 21: Send your initial topic selection to me by email. You may send the document you submitted to your journal or include any additional progress you have since made. Read the assignments for the August 24th class as soon as you can.

Send me an email with several times that you can meet by Zoom to discuss your initial topic selection. We should meet before August 27 and can meet after August 24 if you first want to have the class discussion on topic selection.

August 24: Topic selection. Volokh, Section I: 10-12, 20 #17-32, 35-39. Section XII: 130-134.

If it applies to your work, also read pp. 13-19, 32-34. Then read, "How to Write a Law Review Article," by Richard Delgado, which will be emailed to you and available on TWEN. This is neither a lecture nor a Socratic class. We will discuss the readings in class, but come prepared with questions if you have any. A Librarian Presentation on research will be given toward the end of class.

COURSE SCHEDULE CONTINUED

August 27: Journal topic selection due.

August 31: Writing strategy and beginning to write. Volokh, 47-80. If your topic includes a prescriptive claim, read Section II: Test Suites. You may wish to read it either way.

September 7: No group meeting.

September 14: Researching and evidence. Volokh, 101-113 and, if relevant, 114-119. Section XVIII: Using Evidence Correctly: read every portion that applies to you. If you would like to discuss your preemption check with me, please suggest a time to meet.

September 17: Journal preemption check due.

September 21: No group meeting. Read Volokh, Section VIII: First Draft. Re-read any sections of the book that you find clarifying or inspirational. Contact me with questions.

September 28: Presentation by the Research Librarians on citation.

October 5: Writing beyond the Background Section. Volokh, Section VI: 81-91. And, just to keep it in mind, Section VII: Writing the conclusion, 92-96. Again, re-read any sections of the book that you find clarifying or inspirational.

October 12: Open office hours at 1:50 in the classroom, subject to change.

October 19: Open office hours at 1:50 in the classroom, subject to change.

October 26: Open office hours at 1:50 in the classroom, subject to change.

November 2: Open office hours at 1:50 in the classroom, subject to change.

November 5: Journal First Draft due: Complete Background section and detailed outline of Argument Section. **Send your First Draft to me if you have not already done so. Schedule an individual meeting with me to discuss.**

November 9: No group meeting.

November 16: Editing. Volokh, 120-127. Re-read: Volokh, 21-27 and VII:C: Decide What to Set Aside, 94-96.

December 3: Journal Second Draft due: Full draft of both the Background and Argument sections. **Send your Second Draft to me if you have not already done so. Schedule an individual meeting with me to discuss.**

December 11: Last scheduled exams.

By December 15: Have met with me on Zoom or in person to discuss your second draft.

January 8: Journal Final Draft due.

January 9: Course Final Draft due.

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. 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.

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 11:59 p.m. on Tuesday, January 9, 2023.*

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 small 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 font; block quotations should again be indented 0.5” on each side. All footnotes must conform to the *Bluebook* (21st ed.) for academic works.

Every page should have a page number centered at the bottom in 12-point font. Every page should have a header with your last name centered at the top in 12-point font.

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 evaluation of your work for this course.

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.

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. I reserve the right to use plagiarism detecting software on all submissions, with or without reason to believe that a paper is plagiarized.

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 is to fail to properly attribute the work.

USE OF AI

You may use generative artificial intelligence tools (e.g., ChatGPT) to help you with research. The use of such tools is subject to the following limitations, however. First, you may not use such tools to assist in actual drafting. The words in your paper must be *your* writing. Second, you are ultimately responsible for all content, both substantive content and citations. Generative artificial intelligence is still in its infancy, and you must appreciate its limitations. If, for example, citations are included in your paper that do not exist or fail to cite the appropriate source, you will be held responsible. Multiple citations with this type of wild inaccuracy can be grounds for receiving No Credit in the course.

CLASS RECORDINGS PROHIBITED

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, pursuant to AR 4-2.2. Any exceptions to this policy must be expressly permitted in writing by me.

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.