

SCHOLARLY LEGAL WRITING

Course #510/002

FALL 2024 SEMESTER

1:50-3:50 pm

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This class is the first Artificial Intelligence based Scholarly Legal Writing Course in the country. We will be leveraging AI tools in the scholarly research and writing process. In doing so, scholarly endeavor doesn't become easier, it becomes more difficult. Yet it becomes more powerful.



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.)



STUDENT SUGGESTED AI TOOL SUBSCRIPTIONS:

I would suggest that you add an AI tool plugin to Microsoft Word called Spellbook that is free for our law students and can be used as an editing tool as we will discuss in class. (See here on

how to begin that signup process:

<https://www.law.com/legaltechnews/2023/06/27/generative-ai-contract-platform-spellbook-launches-free-ai-access-program-for-law-schools/?slreturn=20230714001620>

You are encouraged to obtain the free subscription available to the Claude AI tool, see here on how to obtain it: (<https://www.makeuseof.com/sign-up-claude-ai/#:~:text=To%20use%20Claude%20AI%2C%20you,good%20VPN%20can't%20fix.>)

You are encouraged to obtain the free subscription available to the Bard AI tool, see here on how to obtain it: <https://www.cnet.com/tech/services-and-software/want-to-try-googles-new-ai-chatbot-heres-how-to-sign-up-for-bard/>

You are encouraged to obtain the free subscription available to ChatGPT 3, see here for how to sign up: <https://blog.enterprisedna.co/how-to-use-chat-gpt/>

You are not required to obtain a paid subscription to OpenAI's ChatGPT 4 tool (though it's only \$20 per month) but you are strongly encouraged to do so as it will maximize your capabilities in this class, particularly with respect to the Scholarly Research plugin that is available for Chat GPT 4.

If Chat GPT 5 is released during our class, that will make a subscription even more useful. Here is how to subscribe to OpenAI/ChatGPT: <https://www.zdnet.com/article/how-to-subscribe-to-chatgpt-plus-and-why/>



OTHER MATERIALS:

The Research Library team are preparing a variety of materials which will be linked to in TWEN to assist you in conducting research and bluebooking.



Class Times:

6 sessions during the semester, meeting Mondays 1:50 to 3:50. Additional side group sessions to be subsequently scheduled.

AI TOOL CLASS POLICY & HONOR CODE RISK ISSUES TO CONSIDER:



The formal policy for using AI tools in this class is that ***you are allowed to use them and are encouraged to use them. If you decide not to use them at all, that's ok too*** and it might be useful for me to know if you are opting out of AI tool use. You can do perfectly fine in this course without AI tools if you choose.

Another formal policy for my class is that, given differing approaches across classes about AI use, you are not permitted to use work from any other class for this class.

Another formal policy to take note: while using AI tools, you are required to abide by the full Honor Code.

For example, be careful that if you cut and paste from an AI chat, and the AI tool takes the words of another human (tools I am recommending you subscribe to are not supposed to be capable of plagiarizing, but I have no way to verify that claim) and you use the language it generates as your own...you might get yourself into a plagiarism issue.

Be further careful that hallucinated citations can be an issue, don't cite to a case or article generated in an AI chat unless you have subsequently looked it up yourself.

The more that you prompt AI tools with your own words and your own work, and let the AI tool hone it and give you creative ideas about your own writing, the less likely any of this is a risk and the more you are in a safe place with using this tool, and that safe zone is where we will focus our time with these tools.

I strongly discourage you from leaving the guardrails I set up for you in my class about how to use these tools.



If you use AI tools to organize your own substantially developed initial notes, you will be in a safe place, which is why that use of this tool is a principal focus for how I will teach you how to use it.

If you use AI tools to edit your substantially developed article, and/or to ask it for creative suggestions about areas of focus you have not developed yet and then develop the language for those new areas of focus yourself, you will be in a safe place, which is why those uses of this tool are a principal focus for how I will teach you how to use it.

When you use AI tools for the initial stages of research, and then draft your own language to summarize that prior literature for the submitted work, you will be in a safe place, which is why that use of this tool is a principal focus for how I will teach you how to use it.

This is a powerful tool; this is a potentially dangerous tool. I will show you the guardrails.

Keep to the guardrails. Period.

I would strongly advise you to keep a record of all exchanges you have with AI tools. Chat GPT makes that easy with a function that permits you to create hyperlinks of each chat. You can also cut and paste them into a word doc.

If you approach this class thinking you can have an AI tool, write the paper for you, you are wrong and you will receive a failing grade. For one thing, it doesn't have that capability yet.

Using AI tools in scholarly writing is going to require more work from you and from me, not less, but it will substantially enhance the power of your research and the power of your writing if you use it in the way I will teach you to use it.



Rhythm of the course:

Scholarship is a lonely but a very active endeavor. Most of the work that goes into academic writing is done alone.

To thrive in this course, you need to be a self-starter. If you think you can put off the work to get this done until later in the semester, and crank out something last minute, you are wrong and you will fail.

If you get started now, a little at a time, I can help you succeed.

The scholarly writing process goes something like this.

You read [a lot] about what prior legal thinkers have written. Take notes in a journal or in the margins of case law and article print outs with your reactions to what you've read.

Now you develop a research plan, you present it to me and to your colleagues, we give you feedback to get your started on your journey.

Then you go to the library on your first research break. Which isn't a break at all, it's a time during which you assign yourself lots and lots of reading and writing.

A thesis emerges, you continue to research as your thesis gels, you write more, you organize your reaction notes, you edit what you write, you edit what your write dozens more times. Then you have a first draft of a paper.

Then you present it, get criticized in a kind of collegial trial by fire from your peers. And do the same for them when they present. This hones your work and improves your work.

Then you go on your second research break. You continue to write and more importantly continue to edit. And then you have a piece of scholarship. And you submit it, against a deadline that is concrete.

This is not a lecture class. On the front-end, session two has a lot of required reading, you will want to get started on that immediately.

And be warned that the research breaks are not really a break, they are timeframes in which you assign lots of reading to yourself about your initial topic.



Grading Expectation:

I expect that in order to obtain a passing grade, you develop an original piece of work, with a solid thesis, that engages with the relevant literature.

A literature survey, alone, without a reasonably defended thesis, will not receive a passing grade. A policy argument strongly made, that does not engage with prior literature and cases, will not receive a passing grade.

Class Schedule and Assignments

Session 1: September 2:

Presentation regarding available resources and research methods, dive into AI tools and how to use them in scholarly writing

Session 2: September 9:

Q&A session regarding the initial Volokh text readings. This session will have a substantial reading requirement, including the chapters titled: "Finding What to Write About," "Making Prescriptive Claims More Sound," "Writing Strategy," "Tips on Researching," "Writing and Researching: A Timeline and Summary," "A Highly Successful Student Article" and "Academic Ethics."

This is a sizeable reading requirement; I would advise you get started immediately.

In advance of this session, your assignment is to submit 24 hours before class a document with at least 5 questions you have about scholarly writing that are inspired by the readings and that show me that you have done the reading. I will go over your questions from the material.

--Research break--

During this break, you need to get started on your research. I suggest you start on Sept. 11. You should regularly send emails during this time to group communication threads.



Session 3: September 30: Presentation of Research Plans Part I:

Class Presentations:

The first half of the class in alphabetical order will each conduct a 20-minute presentation of their research plan. For the first ten minutes you will present your plan, then for ten minutes your colleagues and I will provide comments about your plan. During this session all students are required to actively comment on the tentative thesis, the research plan, and ideas about how to improve it.

Take note of the Assignment due date. Late assignments are not accepted in this class.

Please send to me and all of your colleagues, at least 48 hours prior to the class, a write up of a five-page research plan, including a tentative thesis, a plan for how to test the thesis, a list of prior literature that you will engage with, a description of what your issue is and why it matters, and a tentative table of contents for your article.

You may and are encouraged to use the AI tools at hand to assist you in the endeavor. As I will teach you in class, do your own thinking and reading first, then converse with the AI tools later to build on your work once you have run out of steam.

You are welcome to use AI tools to help you develop these questions, if you do so, please share with everyone your full chat developing your questions about your colleagues work.

Session 4: October 7

Class Presentations:

Same as session 3, but for the second half of the class alphabetically.

Assignments:

Same as Session 3.



Session 5: November 4

Class Presentations:

The first half of the class in alphabetical order will each conduct a 20-minute presentation of their initial draft paper. For the first ten minutes you will present your initial draft paper, then for ten minutes your colleagues and I will provide comments about your paper. During this session all students are required to actively comment on each paper. You are welcome to use AI tools to help you prepare for paper commenting.

Assignment:

A week prior to the class session, send to me and all of your classmates a 30-page initial draft of your paper that conforms to the same formatting requirements for the final paper.

48 hours prior to the class, share with the class a two-paragraph reaction for each of your colleagues' papers that provides thoughts and comments on their paper. 48 hours after the class presentation, provide the same but with new ideas.

You may share instead a link to an AI discussion where you play with an AI tool about your colleague's thesis or paper or a point made during a prior discussion, and try to figure out how to be useful, such that the back and forth can be useful to your colleague in developing their paper.

Session 6: November 18

Class Presentations:

Same as session 5, but for the second half of the class alphabetically.

Assignments:

Same as Session 5 for all students in the class.

Journal editors may have different deadlines for you, those deadlines do not necessarily match those used in this course.

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, 2025.

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 other's 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. •

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.

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.