

SCHOLARLY WRITING LAW 510

FALL 2026

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COURSE SCHEDULE/MEETING TIMES

This class meets Thursdays from 1:50 PM to 3:50 PM. We will not meet every week. Students will also have individual meetings, in person or by Zoom, with Professor Bernstein.

OFFICE HOURS

I am happy to meet with you any time that is mutually convenient, in person or via Zoom.

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 (20th ed.)

COURSE SCHEDULE

August 20: Choosing a manageable student topic; adding to the academic conversation

Reading: Volokh, pages 1-46

August 27: More on choosing and executing a topic. Read or at least skim the following student-authored (by me when I was a student) publications. As you read them, ask yourself: Did the author choose a manageable topic? Did he add to the academic conversation? Did he write something scholars or practitioners in the field would be interested in reading? (Don't worry about hurting my feelings, I've moved on!)

Out of the Fryeing Pan and into the Fire: The Expert Witness Problem in Toxic Tort Litigation, 10 Review of Litigation 117 (1990)

The Supreme Court and 'Civil Rights,' 1886-1908, 100 Yale Law Journal 725 (1990)

Note, A Contractual Solution to the Contraceptive Crisis, 8 Yale Law & Policy Review 146 (1989)

These articles are all available on Westlaw and Lexis and, in more readable format, on Hein Online. If you are not familiar with Hein Online, which is available through the GMU and GMU library system, this is a good opportunity to become familiar with it.
<https://infoguides.gmu.edu/az.php?q=hein>

September 3: One half of the student in the class: Circulate your proposed topic to you classmates via TWEN at least 48 hours before class. We will spend this class discussion

each other's topics.

September 10: Second half of the class: Circulate your proposed topic to your classmates via TWEN at least 48 hours before class. We will spend this class discussion each other's topics.

FINAL TOPIC DUE TO PROFESSOR: September 16.

September 17: Research librarian session (tentative).

Reading, if any, TBA

October 1: Writing your paper

Reading: Volokh pages 47-100

As you progress with your paper, read on your own schedule **Volokh pages 120-167** on editing.

Individual meetings with Professor Bernstein and with research librarians to be scheduled. For meetings with Professor Bernstein, at least an outline of the paper will be required. The more substantive progress you can present to Professor Bernstein before the meeting, the more productive the meeting will likely be.

COURSE OVERVIEW/DESCRIPTION

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.

LEARNING OUTCOMES

By the end of the course, students should be able 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 (the *Bluebook* "white pages")

BASIS OF EVALUATION AND ASSESSMENTS

Scholarly Writing is a credit/no credit ("CR"/"NC") course. 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.

EMAIL COMMUNICATIONS

Students must use their MasonLive email account to receive important University information, including communications related to this class.

ARTIFICIAL INTELLIGENCE

Students may AI, including via Westlaw, Lexis, and other tools (Gemini, ChatGPT, etc), to help them find and narrow a topic, and to assist with general research. **However**, *students must actually read and understand any source they rely on, and especially any source cited in their final paper*. Citing a nonexistent source, or summarizing a source incorrectly in a way that shows that the student did not actually read the sources, will result in a “No Credit” grade for this class, and potentially a referral to the Honor Board. Students must also write the text of their final paper themselves, though they may use AI for proofreading.

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 circumstances occur where you anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), you should immediately contact the Assistant Dean, Student Academic Affairs.

ACADEMIC INTEGRITY

It is expected that students adhere to the Antonin Scalia Law School Academic Standards. The Academic Standards 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 [Academic Standards are available here](#).

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. If you are seeking accommodations for this class, please visit [Disability Services website](#) 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.

UNIVERSITY LIFE

University Life provides student support resources such as [Counseling and Psychological Services](#), [Student Health Services](#), and the [Student Support and Advocacy Center](#). For more information about University Life on the Arlington Campus, [please visit their website](#).

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.**

INSTRUCTOR EXPECTATIONS AND COURSE RULES/STRUCTURE

You should come to each class meeting having completed all assigned readings, and any writing assigned by Professor Bernstein.

Students must use their MasonLive email account to receive important University information, including communications related to this class.

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.

I do not plan to record any course sessions. Requests to record a particular meeting to accommodate a COVID-related absence should be made to the Assistant Dean, Student Academic Affairs.

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 to me via email (not TWEN) before 10:00 p.m. on Tuesday, January 5, 2027.**

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