

SCHOLARLY WRITING
Professor Michelle Boardman
Fall 2026 Law 510 003
Certain Wednesdays at 9:40-11:40 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

The following topics will all be addressed, either individually or combined in a class session, and some may take more than one session. In addition to these topics, we will hold multiple one-on-one meetings.

- Topic 1: Choosing a manageable student topic; adding to the academic conversation
- Topic 2: Thesis: Volokh's four factors (novel, nonobvious, useful, sound)
- Topic 3: Researching and selecting sources
- Topic 4: Drafting the background section—roadmaps, giving context, depth of research
- Topic 5: Drafting the analysis section—proposing a solution supported by the background section; honestly addressing all legitimate counterarguments
- Topic 6: Academic citation—review of Bluebook citation and its importance
- Topic 7: Refining the thesis and proposed solution
- Topic 8: Drafting professionally

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

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 Wednesdays at 9:40 a.m. We will not meet every week. Students will also have multiple individual meetings with me, in person or 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.

Before first class Send your initial topic selection or initial topics under consideration to me by email. You may send any document you may have submitted to your journal or include any other progress you have made.

August 19: First class meeting. 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,” 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 about the reading.

August 26: Individual meetings on topic selection.

September 2: 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 16: Librarian research presentation, tentative.

October 7: Researching and evidence. Volokh, 101-113 and, if relevant, 114-119. Section XVIII: Using Evidence Correctly: read any portion that applies to you, starts at 168. We will meet as a group at 9:40. Starting at 10:15, I will meet individually with any student who would like to discuss their current progress.

October 14: 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.

October 21: Presentation by the Research Librarians on citation, tentative.

October 28: First Draft Due, as your journal defines a first draft.

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.

November 4: Editing and refining your thesis as you write. Volokh, 120-127. Re-read: Volokh, 21-27 and VII:C: Decide What to Set Aside, 94-96.

Early December: Meet with me on Zoom or in person to discuss your second draft.

January 5: Final Draft due for course credit.

OFFICE HOURS

Automatic office hours will start at the end of class on days that we meet. 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 before 10:00 p.m. on January 5, 2027.

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 Arial; 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 Arial. Every page should have a header with your last name centered at the top in 12-point Arial.

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: https://www.law.gmu.edu/assets/files/academics/honor_code.pdf

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.

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 the work of others. The sin is to fail to properly attribute the work.*

USE OF AI

Students may use AI, including the AI embedded in Westlaw and LEXIS, to help find and narrow a topic and to assist in general research. However, students are responsible for reading and understanding each and every source they rely on or cite. Citing a nonexistent source or summarizing a source in a manner that shows the student has not actually read the source will result in No Credit for the class. It may also potentially lead to a referral to the Honor Board.

In keeping with Academic Regulation 4-3, the use of Generative AI resources in drafting/writing your paper is prohibited in this course. In part, the Regulation reads:

AR 4-3 Limitations on the Use of Generative Artificial Intelligence (GAI) in Academic Work

(a) Definition: Generative artificial intelligence (GAI) is a type of artificial intelligence that uses algorithms to generate new content, such as text or images, based on the data it has been trained on.

(b) Papers and coursework: The use of GAI *in drafting or writing* coursework, including papers and reaction papers, is prohibited unless expressly identified in writing by the instructor as an appropriate resource for the work in the instructor's course. (emphasis added)

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.