ADVANCED SCHOLARLY WRITING

PURPOSE AND OBJECTIVES
This course is designed to complement the research & writing process for your seminar paper. American academic writing is distinguished by its argumentative posture and emphasis on making an original contribution. Legal writing is further defined by its practical import. This course is structured as an immersive writer’s workshop to help acculturate you to these unique discourse conventions. Required assignments track you from topic identification to developing a research plan to generating novel, nonobvious and useful thinking in your focus area. We will also review citation method (i.e. The Bluebook) and advanced research techniques. An integral goal of the course is to help you internalize process values of good writing more generally. Emphasis will be placed on document design, coherence and organization, fact selection, word choice and revision strategies. As an introduction to the culture of the legal academy, you will also survey canonic scholarship and become more familiar with publication expectations.

Our course pedagogy includes learning objectives shared by your other LL.M. classes, such as evaluating legal arguments and using legal vocabulary.

We will also focus on certain core reading, speaking, analytic and writing skills, such as:

- forming connections across texts and situating case law or data within a conceptual paradigm
- reading strategically for an author’s claim and mining footnotes for your own research
- facilitating in-class discussion with peers and providing constructive critique
- recognizing the limits of a paper’s claim and identifying a gap in the academic literature
- expanding your English vocabulary to write with precision, clarity and elegance
- producing texts in accord with discourse expectations (purpose, audience, tone)

MEETINGS AND OFFICE HOURS
Our seminar will meet most Tuesdays from 11:10am – 1:10pm in (the Language Center). My office is the adjacent Scholar’s Study, Please drop in whenever my door is open. I will also maintain regular office hours on Thursdays from 10am – noon.

GRADING AND CLASS EXPECTATIONS
Class is more educational & enjoyable when everyone is well prepared to discuss the assigned readings and review written submissions. Regular attendance, in-class participation and satisfactory completion of all written assignments are required to receive a grade of Pass. Please let me know in advance if you have a legitimate excuse as to why you cannot attend a class meeting.

PLAGIARISM
Common law lawyers cite to legal authority to provide credibility for their argument, to reference broader conversation on a point of law and – most importantly – to give credit to the original source of an idea or fact. Proper attribution is a core value and formative to the ethical code of the lawyer.

Please be aware that your work in this course is subject to the Georgetown Plagiarism Policy. See 109-10 of the Georgetown Law Student Handbook of Academic Policies (Conduct Policies) for more instructive guidance. Feel welcome to approach me about any questions on this topic.
Week 1: Introducing U.S. Academic Legal Writing and Strategizing Your Writing Process

Welcome to Advanced Scholarly Writing! This week we will review the design and expectations of our course. U.S. Academic Legal Writing is unique in its normative orientation (how should the world be?) and prescriptive ethic (how can we solve this practical legal problem?). However, we each have writing experiences in either English or a first language that we can pivot and draw perspective from. We will share these relevant experiences and develop intentional writing plans to help us achieve our goals for our seminar paper. These goals might range from the scholarly and altruistic (to contribute to human knowledge) to the immediate and pragmatic (to craft a paper that represents our highest potential). As a writing workshop, our course is distinguished from your other LL.M. classes in its emphasis on collaboration and continuous feedback. This makes our class social and fun! Today we will share our preliminary thoughts on topic selection, and peer guidance is welcomed (e.g. advice on helpful sources, search terms, etc.). I will also describe the iterated nature of our course design, and introduce your first assignment: a Topic Sheet that includes your research question(s). We will also preview your assigned reading for our next meeting.

Assignments:  
Volokh, “Writing a Student Article”  
Fajans & Falk 1-8, 12-20  
Begin work on Topic Sheet  
Bring Bluebook to next class

Week 2: Topic Identification, Deconstructing Volokh and Determining When & How to Cite

The metaphor of legal scholarship as an economic market is a helpful one. Successful legal academics distinguish their brand by carving out a niche in the marketplace of ideas. Like an entrepreneur, they identify a gap in the market and explore novel opportunities within it. For us, a “gap” might be an ambiguity, conflict or uncertainty in legal doctrine, or a topical problem that has not yet been written about. This problem-solution paradigm is core to U.S. academic legal discourse, and informs the Volokh description of a high-quality student paper. Why do you think lawyers are specifically concerned with the practical consequence of their ideas? Related is Volokh’s emphasis on writing for an audience: your claim must be recognized by your reader as novel, nonobvious and useful. This same logic motivates the construction of The Bluebook. Citation guru Peter Martin limns the delicate balance of economizing space while providing enough information so the reader can locate your referenced source. Of course plagiarism is our first concern. But are you surprised that legal writers also cite to general conversation on a point of law, even if it is only analogous or tangential to the author’s argument? How does this reflect our course theme that your paper is part of an ongoing scholarly debate?

Assignments:  
Fajans & Falk 44-51  
Annotated Model Student Paper  
Submit Topic Sheet  
Prepare questions for GJIL editors  
Identify source for Article Critique

Week 3: Converting Research into Writing and Modeling the Successful Student Paper

This week we welcome editors from the Georgetown Journal of International Law. They will review the submissions process and remark on the characteristics of a successful student paper (or “note”). Perhaps the most obvious fact about our GJIL guests is also the most distinctive about U.S. academic legal publication (well, besides the editors’ brilliance). They are students! Cf. US WEEKLY (“Stars, they’re
just like us”). Peer-review perhaps includes certain benefits. But the student-driven American “cycle” also provides us the benefit of choice. We may choose to submit to a broad range of journals, and we may also choose to submit our paper as a student note or as a short paper for a law review’s online companion. Think of it as the free-market capitalism that defines our American ethos. The published book chapter by Maria Luisa is a paragon of the Volokh model – in the paper she identifies a conceptual shortcoming with human rights doctrine, offers an improved solution and then supports her argument with theoretical and practical reasons based in legal authority. Importantly, each of you can produce this same kind of organized, clearly written and well-researched paper. For an in-class activity we will use our Topic Sheets to help us transition from the research to the writing phases of our seminar paper. Remember our class mantra that writing generates thought. Writing early in the semester helps us to think in a more deliberate and profound way about our topic, and also guides us to conduct targeted research in inchoate parts of our paper that require additional authoritative support. We will conclude by discussing your progress in locating an article to critique for your next assignment. How can you situate yourself within the scholarly debate in your topic and distinguish your voice from front-rank academics?

Assignments: Article Critique
Prepare questions for research librarian

Week 4: Research Process, Expanding our Database of Authority and Distinguishing our Voice

Best practices in legal research help us to manage time and surface the necessary authority in our research survey. Forming intentional research questions provides us a compass, and tracking internal citations in on-point case law, advisory opinions etc. and secondary authority ensures that we “close the internal loop” in the relevant scholarly debate of ideas. Equally important is that we employ effective search terms and peruse our full set of available databases. Today our guest Law Librarian will present the universe of research databases available to Georgetown students, with specific emphasis on foreign and international law materials. We will also review online research guides, which are annotated bibliographies of research materials categorized by doctrinal area or geographical region. This week we will also review a model annotated student outline, and suggest ways to construct an outline that can help guide your efforts to identify and refine the most novel and solution-oriented aspects of your paper topic. Be prepared to present your Article Critique and how you expect to distinguish your voice from this important author in your subject area. Remember our two axes of American legal scholarship – to both 1) locate an important, topical problem and provide a reasoned solution, and 2) to suggest why previous authors offered incomplete or dated solution, and how your own ideas are an improvement to those of previous authors in your subject area.

Assignments: Detailed Outline
Introductions from Canonic Law Review Articles

Week 5: From Description to Prescription

This week we target strategies to help our paper evolve from descriptive and expository to prescriptive and argumentative. One useful exercise is the constructivist technique of “freewriting” (again, our class mantra that writing is generative). We will also deconstruct our Detailed Outline and Article Critique to locate areas of our paper topic that suggest ambiguity, conflict or the need for innovation. Remember that as writers in U.S. academic discourse you are encouraged to court controversy. If no other reasonable scholar would disagree with you, then it is likely that your claim is not sufficiently original. How do these exemplar introductions from U.S. legal scholarship frame the reader to recognize the import and debate in their topic area? What word choices do these authors use? How do they present immediate, engaging examples that capture the problem they aim to solve? Our course will begin to track in more detail the chronology of your own drafting process. This week we will focus on forming a
sophisticated introduction and background section. How can you write these seemingly “background” sections so that they also evidence the novelty and argumentative posture of your paper?

Assignment: Continue to work on First Draft

Week 6: Finding Flow, Achieving Elegance and Creating Coherence

This week we revisit the fundamentals of good writing. According to Professor Osbeck of Michigan Law, high-level legal writing is distinguished by its elegance. However, we in the Language Center contend this should be the litmus for all good writing. We will review advanced techniques of paraphrase and quotation, as well as strategies to write with precision, pith and polish. We will also review organizational techniques to help us maintain linearity in our argument section (section headers, topic sentences), as well as macro-level coherence across sections of our paper. Students often question how they can add value to their conclusion. Today we will think of ways that you can conclude your paper with style and emphasis, and suggest how your paper might be only the first step in a broader scholarly agenda. We will also complete an activity to help us confirm the symmetry in our roadmap and organization of our argument.

Assignment: Complete First Draft
(One) Golden Formula

Week 7: Individual Conferences

This week we will meet individually outside of our seminar to discuss your First Draft. Be prepared to ask clarification questions and to challenge my comments.

Assignment: Continue to work on Final Draft

Week 8: Finalizing Your Draft and Readying Your Paper for Publication

This week concludes our seminar. Congratulations on your progress! Completing an academic paper can feel like a statement of identity or an aesthetic achievement, and it is always an important and memorable highlight in a law student’s career. I look forward to reviewing your final draft. This week we will review useful revision strategies as well as formalities & flourishes common to a submitted U.S. seminar paper. Still, I hope that your own practice of academic legal writing does not end with this course. How can your seminar paper be expanded, refined or re-packaged for a broader audience? I will share strategies for readying your paper for possible publication, e.g. writing an Abstract. We will also discuss the publication process for submitting to U.S. law reviews, with a special focus on opportunities for foreign-trained LL.M. students. I hope your article becomes the next Annotated Model Student Paper for future students in Advanced Scholarly Writing!

Assignment: Final Draft