

**HAMLIN UNIVERSITY SCHOOL OF LAW**

# **Bioethics**

**Spring 2015**

**Professor Thaddeus Mason Pope**

**Time:** Selected Fridays from 11:30 a.m. to 1:40 p.m.

**Place:** Law 103

**Registration:** Law-9558 • CRN-30949 • 2 credits

**Contact:** East Hall 306-C • tpope01@hamline.edu • 651-523-2519

**I. Course Description**

This course meets the Advanced Legal Research and Writing Experience requirement for the J.D. program. Accordingly, this is a “skills” course that focuses on developing your legal research and writing through your own self-selected project. This course does not have any specific doctrinal or content objectives.

**II. Course Objectives**

- A. Develop both your legal and interdisciplinary research skills.
- B. Enhance and hone your legal writing skills.
- C. Master a specific, narrow topic, demonstrating original analysis and synthesis of material previously not synthesized and analyzed.
- D. Develop your ability to recognize, analyze, and critically evaluate legal bioethics issues.
- E. Prompt your self reflection and provide experience in communicating and listening to alternative moral viewpoints.

### **III. Required Materials**

- A. EUGENE VOLOKH, *ACADEMIC LEGAL WRITING* (4<sup>th</sup> ed. Foundation 2010) (ISBN 13: 978-1599417509).
- B. THE BLUE BOOK – A UNIFORM SYSTEM OF CITATION (Harvard Law Review, 19th edition).
- C. Selected materials, particularly those relevant to your research project.

### **IV. Recommended Books for Seminar Papers**

- A. ELIZABETH FAJANS & MARY R. FALK, *SCHOLARLY WRITING FOR LAW STUDENTS: SEMINAR PAPERS, LAW REVIEW NOTES, AND LAW REVIEW COMPETITION PAPERS* (4<sup>th</sup> ed. West 2011) (ISBN 978-0314207203).
- B. MARY B. RAY & JILL J. RAMSFIELD, *LEGAL WRITING: GETTING IT RIGHT AND GETTING IT WRITTEN* (5<sup>th</sup> ed. West 2010).
- C. A good style guide, like *GARNER'S MODERN AMERICAN USAGE*.

### **V. Recommended Articles for Seminar Papers**

- A. Richard Delgado, *How to Write a Law Review Article*, 20 U.S.F. L. REV. 445-54 (1986).
- B. Patrick Eoghan Murray, *Write on! A Guide to Getting on Law Review*, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2424365](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2424365)
- C. David G. Post, *Writing Guidelines: General Principles & Rules*, <http://www.temple.edu/lawschool/dpost/guidelines.pdf>.
- D. Joseph Kimble, *Tips for Better Writing in Law Reviews (and Other Journals)*, 30 THOMAS M. COOLEY L. REV. 197-201 (2013).

### **VI. Recommended Materials on Legal Writing in General**

- A. ANTONIN SCALIA AND BRYAN GARNER, *MAKING YOUR CASE: THE ART OF PERSUADING JUDGES* (Thomson West 2008).
- B. WILLIAM K. ZINSSER, *ON WRITING WELL* (25th Anniversary Edition Harper Collins 2001).

## VII. Class Schedule

- A. The class will meet as a whole on only four dates: January 23, January 30, February 20, and March 20.
- B. In addition, each student must have at least *three* individual conferences with me. While only these three meetings are mandatory, I encourage you to meet with me and to email me throughout the semester as you research and write your paper.

## VIII. What to Do First – in January

- A. Start to identify your topic and thesis.
- B. Calendar all the dates on this syllabus into your personal calendar.

## IX. Paper Deadlines

- A. **Rationale:** The single biggest danger in law school (or any graduate school) writing is procrastination. Students wait too long before starting. Consequently, too many distinct stages of the project (research, writing, editing, polishing) get compressed into too short a time period. The quality of the product materially suffers. The following threshold dates are a paternalistic measure to keep you moving along. But they also permit me to provide substantial and meaningful formative assessment and feedback.
- B. **Timing:** While the following schedule sets forth the minimum essential requirements, you are welcome and even encouraged to submit more and to submit faster than the deadlines below.
- C. **February 6:** Declare both your paper topic and your tentative paper claim.
  - 1. There are no specific restrictions as to your topic, other than the obvious one that the paper must be in the general area of bioethics.
  - 2. In 200 to 500 words, describe the issue that you plan to address and what you want to say about it. Your topic and claim may evolve over the course of the semester. But state what it is now.
  - 3. This submission comprises 5% of your course grade.
  - 4. After carefully choosing and defining a topic, you should begin preliminary research on that topic. This preliminary research will soon reveal the major issues and sub-issues included in your topic.

- D. **February 13:** By this date, I will provide written feedback on your paper topic. If you have not already had your **first** individual conference, please schedule that now.
- E. **February 20:** Submit a preliminary bibliography of those sources that you have used and those that you plan to use.
1. Your bibliography should separately list: (a) primary legal authorities, (b) secondary legal authorities, (c) non-legal authorities, and (d) any materials that you have difficulty obtaining. Include at least twenty citations.
  2. This submission comprises 5% of your course grade.
  3. **Caution:** While you are only submitting a bibliography at this stage, you should *already* be writing your paper. At this stage, do not worry about the quality of the words. Generating text matters most. Your writing may meander for a while before you discovered what it is that you want to say. But this is the method of most great writers. Once you have a draft, you will see both gaps and possibilities. These writers also report that writing daily, even if for just 20-30 minutes, is far more effective than “binge” writing in spurts.
- F. **March 6:** Submit a written outline.
1. Your outline must include (a) a tentative title, (b) a thesis statement, and major topic areas and subtopics (*i.e.* three levels deep).
  2. Your outline should follow a traditional format (in the style of this syllabus). It should clearly set out the major issues and sub-issues. Your outline should reveal the basic structure and flow of your topic and forthcoming paper. As such it is fundamentally important that it be done carefully and thoughtfully. Outlines should be double-spaced and about three pages long.
  3. The outline comprises 5% of your course grade.
- G. **March 13:** By this date, I will provide detailed written feedback on your outline. After you have reviewed this, please schedule your **second** individual conference.

- H. **April 3:** Submit a substantive rough draft of at least one major section of your paper.
1. This will probably be one of the first sections providing factual or legal background. But it can be any major section of the paper.
  2. It should substantially (though need not strictly) conform to the requirements for the final paper (in Section X). Roughly, each section in a 5000 word paper should be around five pages long.
  3. The section rough draft comprises 5% of your course grade.
- I. **April 10:** By this date, I will provide detailed written feedback on your section rough draft.
- J. **April 17:** Submit a substantive rough draft (not a first draft) of the entire paper.
1. Obviously, the more complete and "finished" this substantive rough draft is, the less effort will be needed to mold it into the final draft. A good operating assumption is that the substantive rough draft is at least two-thirds of the way toward the finished product. Substantive rough drafts should be formatted per the requirements for the final paper (in Section X). Target lengths of the substantive rough drafts should be at least seventeen pages of text and fifty footnotes.
  2. The substantive rough draft should reflect thorough, exhaustive research on your topic and be a complete (if still rough and unpolished) version of your paper. It should follow basically the structure established in your original or revised outline. But please note, that you are not bound by this preliminary outline and you may change the organization or issues as you see fit in order to do justice to your research topic.
  3. Footnoting should be fairly complete, needing only some minor rechecking, reorganizing and redrafting. Your thought processes should be clear, and only your language and presentation should still need much work.
  4. Without a substantial rough draft, I will be unable to provide the feedback necessary to ensure that your final paper will be adequate.
  5. The substantive rough draft comprises 15% of your course grade.
- K. **April 24:** By this date, I will provide detailed written feedback on your rough draft. After you have reviewed my memo, please schedule your **third** individual conference to discuss your draft.

- L. **May 18:** Submit a complete and polished paper in Word or PDF to tpope01@hamline.edu, 11:59 p.m. Make the document filename your first and last name (e.g. ThaddeusPope). The final paper comprises 60% of your course grade.

X. **Paper Requirements**

- A. **Miranda Warning:** For many students the seminar paper will be the most important, most scholarly research effort of their law school experience. In essence, it is the Doctor of Jurisprudence requirement that most closely parallels the thesis and dissertation requirements of non-law graduate degrees.
- B. **General Standard:** The final draft should be a finely polished document, professional in appearance and reflecting logical overall structure, meticulous and generous footnoting, and advanced command of the English language. Good examples of such efforts are the student notes and comments published regularly in our law review and others.
- C. **Length:** Your final paper must be at least approximately 5000 words (or 20 pages) in length, including footnotes. It must contain at least 75 footnotes, including both citation and “speaking” footnotes.
- D. **Format:** Both the substantive rough draft and the final paper must be double-spaced with one-inch margins all around. The main text must be in 12-point Times font. The footnotes must be in 9-point Times font and in Bluebook form. On the first page, center the title and your name under the title.
- E. **Structure:** The standard law review article structure looks *roughly* like this:

Brief Intro

- What is the issue?
- Why is it important?
- What is the author's position or proposition?

Legal Background

- Factual History
- Legal History

Discuss Open Issue

- Remind the reader where we are today
- What are its ramifications for today and for the future?
- How much does the factual and legal history influence today's thinking?

Make proposal or take a position

- Develop all the favorable arguments
- Explain each argument by
  - Giving its advantages
  - Giving its disadvantages
  - Show why advantages outweigh disadvantages
- Conclusion of favorable arguments

Develop all the arguments against the proposal or position  
(Follow same procedure as "favorable arguments")

Examine how your proposal or position supports:

Public Policy  
Current Statutes  
Other scholar's theory  
Current political thought

Conclusion

Repeat Intro  
Stress proposal or position

F. **Standards:** I will evaluate the papers using three primary criteria:

1. **The quality of research:** How complete is your examination of the relevant ethical/medical/legal sources? To what extent have you adequately uncovered and documented the information necessary to sustain your thesis?
2. **The quality of analysis:** To what extent have you have provided a well-structured argument in support of your thesis? How adequate is the evidence offered for each premise of this argument?

While major papers may seem like yet one more law school hoop to jump through, they in fact serve a valuable purpose in helping you gain experience in synthesizing original ideas and arguments into a compelling written document, a valuable skill in any field of endeavor.

3. **The quality of presentation:** To what extent does your paper's organizational structure effectively communicate its thesis? To what extent does your paper conform to the rules of grammar and style? To what extent has your paper been proofread?

I grade grammar and style, not just "content" – because even the most brilliant content gets obscured by sloppy writing. Most of you will do far more writing than speaking in summer jobs and as new lawyers, so you have to learn to write, as well as read and speak, about the law you are learning.

G. **Scoring:** Below, in Section XI, I include a complete matrix with point allocations for different aspects of the paper. The entire course is worth 200 points. Consequently, the final paper is worth 130 points.

H. **Honor Code:** The student Code of Conduct and Honor Code, particularly the provisions on academic honesty, are incorporated into this syllabus.

- I. **Publication:** Students should be able to place the better papers for publication in general or specialized law reviews. In addition, there are paper competitions for law students writing in bioethics. Submission is not a requirement of the course. But it is strongly encouraged. I am happy to help facilitate this process.

**XI. Components of Course Grade**

Topic declaration	5%	10 points
Bibliography	5%	10 points
Outline	5%	10 points
Section draft	5%	10 points
Substantive rough draft	15%	30 points
Final paper	65%	130 points
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<b>TOTAL</b>	<b>100%</b>	<b>200 points</b>

	<b>0</b>	<b>5</b>	<b>10</b>
Topic	Late, missing, or substantially not in compliance with Section IX standards	Moderately in compliance with Section IX standards	Substantially in compliance with Section IX standards
Bibliography			
Outline			
Section draft			

	<b>0</b>	<b>15</b>	<b>30</b>
Substantive rough draft	Late, missing, or substantially not in compliance with Section IX standards	Moderately in compliance with Section IX standards	Substantially in compliance with Section IX standards

<b>Research</b>	
Use of key sources	30 points
Citation directly to original sources	
Research up-to-date	
Appropriate use of non-legal sources	
Every proposition of fact is supported	
Every proposition of law is supported	
<b>Analysis</b>	
Originality	60 points
Clear and succinct background sections to identify the problem.	
At least 25% focused on adding something new. Move beyond just describing the law to criticism, analysis, or synthesis.	
Cogency of argumentation for asserted positions and claims	
Fair and balanced treatment of opposing positions	
Logic and persuasiveness	
Sophistication	
<b>Presentation</b>	
Attention grabbing introduction	40 points
Introductory roadmap	
Appropriate length	
Appropriate number of footnotes (including speaking footnotes)	
Bluebook	
Appropriate number of headings	
Descriptiveness of headings	
Spelling, grammar, punctuation	
Avoid long paragraphs (>10 lines)	
Avoid long sentences (>25 words)	
Avoid orphan headings	
Avoid passive voice	
Clear reference for pronouns	
Sparing use of block quotes	
Elimination of excess words	
Reader friendly transitions	
Proofreading	