

Independent Legal Research

Summer 2013

Professor Thaddeus Pope

I. 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.
- D. Develop your ability to recognize, analyze, and critically evaluate health law issues.
- E. Prompt your self reflection and provide experience in communicating and listening to moral viewpoints.

II. Required Materials

- A. EUGENE VOLOKH, *ACADEMIC LEGAL WRITING* (4th ed. Foundation 2010) (ISBN 13: 978-1599417509).
- B. Selected materials, particularly those relevant to your research project.

III. Recommended Materials

- A. ELIZABETH FAJANS & MARY R. FALK, *SCHOLARLY WRITING FOR LAW STUDENTS: SEMINAR PAPERS, LAW REVIEW NOTES, AND LAW REVIEW COMPETITION PAPERS* (4th ed. West 2011) (ISBN 978-0314207203).
- B. MARY B. RAY & JILL J. RAMSFIELD, *LEGAL WRITING: GETTING IT RIGHT AND GETTING IT WRITTEN* (3d ed. West 2000).
- C. Richard Delgado, *How to Write a Law Review Article*, 20 U.S.F. L. REV. 445-54 (1986).
- D. A good style guide, like GARNER'S MODERN AMERICAN USAGE

IV. Class Schedule

- A. Each student must have at least *three* individual conferences with me. While 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.

V. Seminar Paper -- Deadlines

- A. **May 30:** Declare your paper topic and tentative paper claim. The topic declaration comprises 5% of your course grade. There are no specific restrictions as to topic, other than the obvious one that the paper must be in the general area of healthcare law.
- B. **June 10:** Submit a preliminary bibliography of those sources that you used and those that you plan to use. Your bibliography should separately list: (i) primary legal authorities, (ii) secondary legal authorities, and (iii) non-legal authorities. The bibliography comprises 5% of your course grade.

- C. **June 15:** Submit a written outline that includes:

1. Tentative title
2. Thesis statement
3. All the major topic areas and subtopics (*i.e.* three levels deep)

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.

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. The outline comprises 5% of your course grade.

- D. **June 20:** By this date, I will provide detailed written feedback on your outline. After you have reviewed this, please schedule your second individual conference.
- E. **July 1:** Submit a substantive rough draft of at least one major section of your paper. This will probably be one of the first sections providing factual or legal background. But it can be any major section of the paper. The section rough draft comprises 5% of your course grade.
- F. **July 5:** By this date, I will provide detailed written feedback on your section rough draft.

- G. **July 20:** Submit a substantive rough draft (not a first draft) of the entire paper. The rough draft comprises 10% of your course grade. More significantly, without a substantial rough draft, I will be unable to provide the feedback necessary to ensure that your final paper will be adequate.

The 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.

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. Obviously, the more complete and "finished" this first draft is, the less effort will be needed to mold it into the final draft. A good operating assumption is that the first draft is at least two-thirds of the way toward the finished product. First drafts should be formatted per the requirements for the final paper. Target lengths of the first drafts should be at least seventeen pages of text and fifty footnotes.

- H. **August 1:** 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.
- I. **August 25:** 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.

VI. Seminar 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 first 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. **Grading:** The final paper will constitute 60% of your course grade.
- H. **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.

VII. **Grading Summary**

Components of the Course Grade:

1.	Topic Declaration	5%
2.	Bibliography	5%
3.	Outline	5%
4.	Section draft	5%
5.	Substantive rough draft	10%
6.	Applied Project	10%
7.	Final paper	60%