

American University, Washington College of Law, International Legal Studies Program
Academic Legal Writing and Culture LAW-795W-001
Fall 2014: Wednesdays 11:00 a.m.-12:50 p.m., Room TBA

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Office Hours: By appointment

Course Description

This is a graduate-level writing course for international students from diverse academic cultures. The course ensures that international students and visiting scholars demonstrate competency in research and writing by composing a paper in English that evidences qualities of U.S. legal scholarship, writing ability, and craftsmanship. Students learn to express complex ideas using oral and written modes. Students acquire knowledge of linguistic accuracy and (structural and lexical) complexity to develop academic language proficiency. Ongoing teacher-student interaction takes place in the selection of topic and research plan, formation of outline, review of the rough drafts, and critique of the final draft before submission to a law professor for law school credit. This one-credit course targets international Master of Laws (LL.M.) students working in fields involving legal writing, policymaking, or scholarly legal publications.

Purpose

The cross-cultural writing course promotes personal growth (transformation) and professional development by advancing academic literacy in a second language/legal culture with research-based tools for critical thinking and scholarly discourse in writing that can transfer across languages and legal documents. The purpose is for the writer to develop beyond *knowledge telling* (stating knowledge) to *knowledge transforming* (deepening the level of understanding to include analysis, synthesis, and evaluation of research). Learning to operate at professional levels of writing proficiency, students move beyond simply generating content from legal source text to re-working thoughts in English, changing both text and ideas, and avoiding plagiarism—a linguistic issue associated with cross-cultural literacy. Students learn about citation through summary, paraphrase, and synthesis from (a) legal source text, and (b) student draft text to develop academic legal discourse. Class limit is approximately 14 students.

Theoretical Foundation and Pedagogical Approach

Scholarly legal writing is viewed as developmental learning in two academic domains, language and law, and as socialized cultural practice: necessary for international student writers using English as a second language (L2) or English as the academic legal *lingua franca* (global language). The course assumes an educational approach in which the learning of legal content

through research is combined with the learning of language use through academic writing. The approach is supported by multiple perspectives in Content and Language Integrated Learning:

- Sociolinguistic perspectives: professional identity for international lawyers working in English;
- SLA perspectives: focus on form/forms, grammatical/phonological/lexical/pragmatic development, receptive and productive skills (professional speaking and writing in English);
- Academic and disciplinary literacies (genres, registers, academic language functions); and
- Classroom discourse (interaction, pragmatics, multimodality).

A dialogic model of teaching and learning (Vygotsky, 1978) takes place in which the learner interacts with teacher and peers at recursive stages of writing to produce quality text that meets U.S. disciplinary standards: that is,

original and comprehensive research, correct in language use and wording, logical in large-scale (major issues and sub-issues) and in small-scale (individual issues) organization, clear and immediately comprehensible to a law school-educated reader, concise according to law journal/law professor specifications, and socioculturally appropriate—with extensive use of footnotes.

Rules

Two general conditions for learning are to be observed throughout: first, that the processes for writing be followed as indicated by the teacher and the course tools; second, that students do not decide for themselves that there are some legal writing situations to which strategies, goals for assessment, and self-reflection do not apply. This will interfere with transfer of learning.

The overall aim is to increase language awareness and extend the ideas being practiced (pertaining to purpose, audience, and register) to other legal writing situations. The copyrighted course materials meet the conditions necessary for transfer of learning.

Goals for English

Whereas the *English for Lawyers* course promotes language learning and instrumental legal writing for students in their first semester regardless of TOEFL scores, the *Academic Legal Writing* course promotes scholarly writing and academic literacy for students originating from other academic and legal cultures and traditions of scholarship. Both courses use integrated skills, collaborative learning, and assisted performance to promote linguistic and pragmatic competence. *Academic Legal Writing* emphasizes original research in a culturally responsive presentation, the learning and refining of research writing as critical thinking in English, and text (re-)organization and re-writing of any one of the following:

- an LL.M. seminar or research paper for course credit or independent study;
- an M.A. thesis in progress or written in another language/academic culture;
- a research summary or chapter for publication; or
- a law journal article or book not yet published in English.

Learning Objectives

Through this course, students will have the means to connect as professionals with law school professors and advisors for independent study. Students will:

- acquire knowledge of discourse and strategies for writing in U.S. legal context;
- develop existing competencies for integration of form, content, and meaning;
- develop a critical, independent voice as an academic legal writer in English;
- develop the confidence necessary to assume a professional identity in English;
- express analytical thinking clearly, concisely, and accurately in academic legal discourse;
- generate and convey legal research ideas effectively and efficiently; and
- learn to use plain English techniques for conveying and editing complex ideas.

Required Texts

- *Just Writing: Grammar, Punctuation, and Style for the Legal Writer* (4th ed.) by L. Oates & A. Enquist, New York: Aspen Publishers, 2013.
- *Plain English for Lawyers* (5th ed) by R. Wydick. Durham, NC: Carolina Academic Press, 2005.

Supporting Texts (Optional)

- *Academic Legal Writing: Law Review Articles, Student Notes, and Seminar Papers* (4th ed.) by E. Volokh, New York: Foundation Press, 2010.
- *Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and Law Review Competition Papers* (4th ed.) by E. Fajans, & M. Falk, St. Paul, MN: West Group, 2011.
- *Writing for the Legal Audience* by W. Schiess, Carolina Academic Press, 2003.

Course Structure

The course operates at two levels for each stage of writing: Pre-writing, Drafting, and Revising. The first deals with writers' *processes* (strategies and skills), and the second deals with *goals for production* that advance proficiency (competence): (a) planning competence, (b) rhetorical/genre competence, and (c) communication competence. Student-centered agendas are generated for each class featuring student presentations with (a) PowerPoint, and (b) Q&A sessions.

The agendas follow a process approach to writing, with student self-assessment and teacher feedback at each stage, based on the following themes (14 weeks):

1. Needs Analysis, Rhetorical Preferences, and Style in Academic Legal Writing
2. Understanding Pre-writing and Collection of Evidence (i.e., Research)

3. Getting the Legal Research Process Started
4. Narrowing Your Legal Research Topic
5. Learning to Write a Professional Outline with Models for Success
6. Defining Your Thesis or Claim for a Professional Outline/ Proposal
7. Presentation of Research, *stage 1* (oral and written)
8. Focusing on Problem, Purpose, Thesis statement/ Research Question(s)
9. Applying Legal Research Techniques with the Associate Dean, WCL Library
10. Stage 2 Drafting with Citations: Writer as Learner
11. Presentation of Research, *stage 2* (oral and written)
12. Writer- vs. Reader- Centered Drafting
13. Stage 3 Revising with Transitions: Communicating to the Reader
14. Presentation of Research, *stage 3* (written)

Formative Assessment Guidelines: All students must complete 1 questionnaire and 1 self-assessment checklist for each stage of writing: Pre-writing, Drafting, and Revising (**30% each**):

- (a) strategies questionnaire to assist legal writers with their research/writing processes;
- (b) goals checklist for legal writers to self-evaluate their research product at each stage.

Criteria for Evaluation: 3 categories, with a work product for each stage

Conceptual: Stage 1 Pre-writing with focus on clear expression of key elements

Rhetorical: Stage 2 Drafting with focus on large-scale organization and footnotes

Linguistic: Stage 3 Revising with focus on knowledge-transforming, small-scale organization, and clear writing style.

Formative Assessment: Grades

90% Stage 1, Stage 2, and Stage 3 assignments and revisions

10% Extra credit e.g., research presentations; guided revisions; grammar/style/chapter reviews

WCL grades: A (94+), A- (93-90), B+(89-87), B (86-84), B-(83-80), C+ (79-73), C (70s), D (60s), F

Note to law professors

When a student submits a paper prepared in this course to a law professor or advisor for law school credit, that paper is the student's own best work. International students are taught how to edit and revise their own writing: a requirement for professional proficiency and disciplinary literacy. Students learn to control their language "conceptually, culturally, coherently, and cohesively" (Gambhir, CDLC 2005). At no time does the course instructor revise or edit students' work. When reviewing student papers, she does so according to the *American University* standard offered by the *Academic Support Center*: that is, reading and assessing parts of a paper at different times for form and content, and probing for meaning in planned, individual consultations.

Note to international student writers

When you submit a research paper for writing course credit, each draft must contain your own assessment of your own work. Quality checklists for self-assessment are uploaded onto the WCL course homepage for each stage of writing (pre-writing, drafting, and

revising). Knowledge of criteria for assessment allows for reflection, revision, and transfer of learning to other research papers and writing situations. Setting deadlines for research and writing helps: for example,

RESEARCH WRITING SCHEDULE

If your working thesis is original and your research shows that the legal topic needs to be developed in some way, you are ready to set up a tentative schedule for research and writing with formative assessment (structured feedback) in 3 stages. Writing and revising for each stage is worth **30% (90% total)**, with **10%** extra credit..

Reading and writing tasks:	Planned deadline	
30% Stage 1: "Researching to learn"		
____ Researching completed	_____	
____ Note-taking completed	_____	
____ Drafting of outline completed	_____	
____ Meeting with advisor, law professor for feedback	_____	
____ Quality check: self evaluation/ teacher evaluation	____ checklist ____	
30% Stage 2: " Writing to learn"		
____ Drafting from legal sources completed	_____	
____ Drafting with footnotes completed	_____	
____ Quality check: self evaluation/ teacher evaluation	____ checklist ____	
30% Stage 3: " Writing to communicate"		
____ Revising from legal sources completed	_____	
____ Revising to ensure authoritative citations are completed	_____	
<table border="1" style="margin: auto; padding: 5px;"> <tr> <td> Key points associated with revising: <ul style="list-style-type: none"> • semantic (sentence-to-sentence) cohesiveness • pragmatic (speaker-to-speaker) coherence </td> </tr> </table>		Key points associated with revising: <ul style="list-style-type: none"> • semantic (sentence-to-sentence) cohesiveness • pragmatic (speaker-to-speaker) coherence
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____ Revising with plain English writing strategies completed	_____	
____ Editing and proofreading completed	_____	
____ Quality check: self evaluation/ teacher evaluation	____ checklist ____	
____ Submit research product for law course credit	_____	

30% Stage 1: "Researching to learn"

____ Researching completed

____ Note-taking completed

____ **Drafting of outline completed**

____ Meeting with advisor, law professor for feedback

____ **Quality check: self evaluation/ teacher evaluation**

____ checklist ____

30% Stage 2: " Writing to learn"

____ Drafting from legal sources completed

____ **Drafting with footnotes completed**

____ **Quality check: self evaluation/ teacher evaluation**

____ checklist ____

30% Stage 3: " Writing to communicate"

____ Revising from legal sources completed

____ Revising to ensure authoritative citations are completed

Key points associated with revising:

- semantic (sentence-to-sentence) cohesiveness
- pragmatic (speaker-to-speaker) coherence

____ Revising with plain English writing strategies completed

____ **Editing and proofreading completed**

____ **Quality check: self evaluation/ teacher evaluation**

____ checklist ____

____ Submit research product for law course credit
