SUPERVISED WRITING REQUIREMENTS, PROCEDURES AND EVALUATION CRITERIA FOR PROF. VETTER

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ABSTRACT

This document describes requirements and procedures for students undertaking a supervised writing project with me, and describes the evaluation criteria for grading a project. It also acts as an example/template for the form, format and other technical requirements specified herein for a supervised writing paper.

In the final version of your paper, your abstract goes here. It should be a maximum of 200 words.

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† Brief authorial information goes here. For student papers, typically there is just a statement that one is a JD candidate and her law school. Look at some of the example student notes and comments that you will undoubtedly come across in your research.

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I. INTRODUCTION AND OVERVIEW

This document is for students undertaking a supervised writing project with me. Thus, it is applicable to students in Special Research and Writing with me, or to students for whom I am the LLM thesis advisor, and to students in my seminar classes. I spell out a number of requirements, procedures and guidelines below.

Parts II through IV[1] are adapted from a document that Professor Paul Janicke graciously supplied to me.[2] My approach to supervised writing is directly attributable to Professor Janicke's approach, which I have adopted with some modifications. He has my most sincere thanks for sharing his process with me. I am convinced that his process substantially increases the learning experience for the student. It enables the writing project to proceed smoothly and with a greater than average chance of timely completion.

Part II relates important points from Professor Janicke about authorship and style. You must ensure that your work is your own and that you steer clear of any appearance of impropriety due to plagiarism.[3] I will require all submittals in the Four-Stage submittal process to be in electronic form, and I will submit some drafts to various plagiarism checking web sites and software systems to which the Law Center has subscribed. This part also discusses the tone and style that legal scholarship should adopt.

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[1] In the Word version of this document, these two Part numbers are automatically updating cross references (automatically updating fields appear in gray if the settings in Word's Tools->Options View tab are appropriately set). The Word version uses many of Word's advanced features, such as: (i) styles, most prominently, heading styles one through five, and automatic heading numbering; (ii) automatic cross references to footnotes and heading numbers; (iii) automatically generated table of contents; and (iv) headers and footers. I relate this because I provide this document to students who want to use it as a starter template for their paper. I recommend that students do so, because this document meets the form and format requirements spelled out herein. The only downside is that it may require you to learn about these advanced Word features.

[2] Paul Janicke, Rules for Writing with Me (ver. 4-00, Apr. 2000) (unpublished manuscript, on file with author); Email from Paul Janicke to Greg Vetter, Feb. 16, 2005 (supplementing Prof. Janicke's rules) [collectively hereinafter Janicke, Writing with Me].

[3] Note that my use of Professor Janicke's document in parts II through IV would be an inappropriate use if I were writing this document to earn a grade and class credit. It might subject me to allegations of plagiarism. Why? Except in a few spots where I set out quotes from Professor Janicke, I do not differentiate when I have directly copied his words, as compared to when I have paraphrased, versus what is my own writing. Moreover, in a course credit situation, I would be representing that all of the submitted work is authored by me, as Professor Janicke says "word by word," unless a quote or cite clearly indicates otherwise. In this document, I am not making this representation because I have admitted that parts II through IV are adopted from Professor Janicke's work. So, I am taking a luxury that you do not have, and that I do not have when I am writing articles to submit for publication to legal journals.

Part III provides the technical requirements of form and format for your paper. It also discusses the length requirements for varying hours of credit. Next, part IV describes the Four-Stage submittal process. Part V describes the evaluation criteria that determine how one earns points toward a grade for the writing project. Part VI provides information about two writing resources, one required, one optional. Part VII then briefly concludes.[4]

Finally, you should read this entire document very carefully, including the footnotes. If we have already agreed to a supervised writing engagement for Special Research or an LLM thesis, you have agreed to this document's terms. If you are reading this for a seminar paper, I should have provided this document to you very early in the class so that you have notice about my requirements. Among the many reasons demanding a careful reading is that, like many legal documents, I purposefully use a mixture of precatory and mandatory language. Thus, you must fulfill most requirements herein. A few, however, are at your option.[5] In addition, all relevant items from the Law Center's JD or LLM Student Handbook and Honor Code apply and are hereby incorporated in letter and in sprit into this document for your supervised writing project.

II. AUTHORSHIP

I presume, but also require, that you will author your paper yourself. I also require your best efforts to preventively avoid any appearance of plagiarism. You do this by taking care of details – in managing words, sentences and paragraphs, and in organizing and cataloging your research sources.

A. *Your Paper Must Be Your Own Work*

I can express no better this requirement than Professor Janicke:

> The first point may seem obvious, but it has caused several instances of embarrassment in the last few years: the writing must be your own. This means that when a sentence appears in your text or notes, other than quoted material, you must be the one who created that sentence, word by word. It is not acceptable to shorten the task by lifting text or notes from preexisting sources, unless you are quoting them explicitly and crediting these sources. If you do not say otherwise, the reader has to assume that you are telling everyone that the words we see in the paper were selected by you, i.e., that you are telling it in your own words.[6]

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4 Note that this portion of the introduction describes each major part of the paper and presents a preliminary view of the document. This is a characteristic of good legal scholarship. If this document contained a legal argument, this is where I would preview the argument for the reader, in more detail than I have previewed the content above.

5 For example, I make it your option whether to use the Word version of this document as a starter template for your paper, although I ***highly*** recommend that you do so. *See supra* note 1.

6 Janicke, Writing with Me, *supra* note 2. Note that for block quotes, the requirement is single spacing, rather than double spacing, with half-inch indented margins on each side.

Again, I presume good faith from students – but good intentions are not always enough to avoid problems. Please be diligent and organized in order to avoid even inadvertent issues of false authorship or plagiarism.

B. *Your Paper is Legal Scholarship*

Again, I rely on Professor Janicke:

> The work is to be a scholarly research paper, not an essay merely laying [out or] giving your views on legal things. (By the way, in real-life practice, law firms want thoroughly documented writing as well.)[7]

Having addressed in this part issues of authorship and legal style, the next part describes form, format and other mechanical requirements for the paper.[8]

III. DOCUMENT REQUIREMENTS

The requirements of sections III.B and III.C are mandatory for all but the first step in the Four-Stage submittal process. Before discussing the form and format requirements, section III.A specifies the page length requirements.

A. *Page Counts per Credit Hour in Relation to the Law Center's Student Handbooks*

The Law Center JD Student Handbook specifies the number of pages correlating to a credit hour for various types of Law Center writing projects for credit.[9] The LLM Student Handbook has similar specifications.[10] There is some ambiguity in correlating either handbook's

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[7] Janicke, Writing with Me, *supra* note 2, at ¶1. Note that technically, by Bluebook standards, I was not required to make this a block quote because it is less than fifty words. I have done so, however, for emphasis. In addition, note that I have added to the quote, and indicated my addition by enclosing it in [brackets].

[8] By now you may have noticed that I have included brief conclusions and introductions at the transition point from part-to-part. This is a characteristic of good legal writing for a legal article. These transitions should go where they are needed, not necessarily just at a "part-to-part" transition.

[9] *See* University of Houston Law Center, Student Handbook 2011-12 (2012), at 8-11 (2012), *available at* http://www.law.uh.edu/student/Handbook.pdf (last visited January 16, 2012) (providing credit hour page length standards for the senior writing requirement via a seminar paper and for Special Research and Writing) [hereinafter JD Student Handbook]; *see also* University of Houston Law Center, Student Handbook 2002-03 (2002), at 32-34 (2003), on file with author (providing historical credit hour page length standards for the senior writing requirement via a seminar paper and for Special Research and Writing) [hereinafter Old JD Student Handbook].

[10] *See* University of Houston Law Center, Master of Law Programs, Student Handbook, 2004-2005, Policies and Procedures (2004), at 19, 21-22 (2004), *available at* http://www.law.uh.edu/llm/handbook.pdf (last visited July 22, 2005) (providing credit hour and/or page length standards for (i) the master's research thesis, (ii) the foreign scholars program

specifications to Professor Janicke's approach: "As a rule of thumb, there should be more words 'below the line' than 'above the line.' All notes will be taken as part of the page count."[11]

I slightly alter Professor Janicke's approach. My requirement is that the footnotes should use approximately forty percent (40%) of the space on each page considering the document as a whole.[12]

The JD Student Handbook requirements for special research and writing are:

> A one credit hour paper should be about 15 pages long plus footnotes; a two credit hour paper should be 25 pages long plus footnotes; a three credit hour paper should be 40 pages long plus footnotes; and a four credit hour paper should be about 55 pages long plus footnotes. Your supervising professor may establish more demanding standards.[13]

The JD handbook expresses similar requirements for papers meeting the senior writing requirement, although the formulation is different. The Old JD handbook notes that the format is "typewritten, double-space, letter size paper," and that the given page lengths are "exclusive of footnotes."[14] The current JD handbook removes the double-space specification and alters the page length requirements compared to the Old JD handbook.[15]

The LLM Student Handbook bifurcates its requirements based on the program. Students in a concentration-based LLM program must complete a master's research thesis, which has a requirement of "50 pages of text, exclusive of footnotes."[16] Students in the Foreign Scholars Program must complete a "40 page paper" which is equated to a 3 credit hour, 40 page paper for a regular seminar course: "the paper requirement (40-page paper) of a 3-hour seminar" must be met.[17]

Putting the requirements of both handbooks together with my heuristic that footnotes use about forty percent (40%) of the page, I require that a student's final version for a grade be within the page ranges set forth in Table 1 below. The table also gives approximate word counts

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seminar course writing requirement, and (iii) Special Research and Writing courses) [hereinafter LLM Student Handbook].

[11] Janicke, Writing with Me, *supra* note 2, at ¶3.

[12] One way for me to test this electronically is to simply use Word's ability to count the words in the main text, and count the words in the footnotes, and compare the two.

[13] JD Student Handbook, *supra* note 9, at 10.

[14] Old JD Student Handbook, *supra* note 9, at 32.

[15] JD Student Handbook, *supra* note 9, at 8 (specifying that papers "regardless of credit hours, must be a minimum of 35 pages in length including footnotes. Professors have the discretion to require longer papers than the minimum.").

[16] LLM Student Handbook, *supra* note 10, at 24.

[17] LLM Student Handbook, *supra* note 10, at 21. This is expressed slightly differently earlier in the document, where the annotation is a "40-page writing requirement". *Id.* at 19.

for the indicated page ranges, where the word counts are inclusive of footnotes. The word counts are advisory, papers must meet the page limits set forth, while meeting the formatting requirements discussed elsewhere in this document.

Table 1 – Page Ranges relating to Credit Hour Requirements and Other Requirements

Requirement	Handbook Pages	My Page Range Requirement	My Requirement Expressed in Total Word Count (advisory only)
1 credit hour	15	15 to 25	7,000 to 10,000
2 credit hours	25	25 to 35	10,000 to 14,000
3 credit hours	40	40 to 55	17,000 to 21,000
4 credit hours	55	55 to 75	22,000 to 30,000
LLM Master's Research Thesis	50	50 to 70	20,000 to 28,000
Seminar to meet senior writing requirement	35	35 to 55	15,000 to 22,000

This page range includes the abstract page and table of contents page(s). In other words, it is measured in just the same way that this document is paginated,[18] with the formatting of this document.

B. *Format and Form*

1. *Citations, Typeface and Footnotes*

Footnotes must be in standard Bluebook style[19] (even for the outline with authorities). They should paginate so that in substantially all cases the entire footnote text appears on the page where the main text footnote occurs.[20]

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[18] The pagination of this document is particularly dependent on the settings for the footnotes. The footnote "settings" exist in the Footnote Text style, a Word feature and part of Word's system of styles for formatting. In particular, you may notice that the footnote paragraphs in this document, in the words of Word's paragraph formatting dialog box: do not "keep lines together." This means this paragraph will not necessarily stay together on one page, and Word adjusts the pagination of the entire document accordingly. If I would change the Footnote Text style to force Word to keep the footnote paragraphs each completely on one page, Word would repaginate the document to a longer length because it could then create more white space above the footnote separator line.

[19] Specifically, text typeface, citation form and all other aspects of any cites in the body and footnotes, should conform to the latest edition of The Bluebook: A Uniform System of Citation.

[20] *See supra* note 18.

The most frequent violations for the Bluebook's basic citation requirements are: failure in italicization of case names in the main text; failure to include page cites; improper citation styles for U.S. Code sections; and placing footnote numerals inside the punctuation rather than outside, where they should be.

Follow the Bluebook conventions for typefaces for legal journals. Generally, the Bluebook applies for whatever it specifies.[21]

Block quotes should be as specified in footnote 6.

2. *Signals: No Signal versus "See"*

Bluebook rule 1.2(a) enumerates and discusses the primary signals that one uses to indicate that the cited material provides support for your proposition. Read rule 1.2(a)[22] now, focusing in particular on the entries for "[no signal]" and "*See*." The issue is which signal you use when, in relation to parenthetical information (Bluebook rule 1.5). The Bluebook standards provide a baseline. Professor Janicke's approach is more rigorous. Mine is somewhere in between.

a. Professor Janicke's Approach

Professor Janicke's approach to signals is more rigorous than the Bluebook. In effect, he allows use of "[no signal]" only in the second and third cases: items (ii) and (iii) in the entry for "[no signal]." For the first "[no signal]" case, item (i), "directly states the proposition," he requires use of a parenthetical with a "*See*" signal.

> Except for quoted matter, all cites must use either a "See" or "See, e.g." signal, whichever is appropriate. And, *it is never acceptable to have a "See" or "See, e.g." cite without at least a parenthetical explanation, or alternatively, a discussion in the note*. This will not be hard to do. After all, you are looking right at the authority, and can fairly easily tell me what it says or deals with. (Judges likewise don't want to just be told to "See").[23]

The other reason that Professor Janicke's approach is more rigorous is that a parenthetical explanation is not mandatory under the Bluebook in all situations. But it is highly advisable to liberally provide parenthetical explanations,[24] as Professor Janicke notes in particular for judges.

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21 I have tried to make this document and its citations compliant with the Bluebook to provide examples for student. Of course, the Bluebook has hundreds more examples than I can squeeze into this small document. My purpose is to show good Bluebooking. My citations are probably not one hundred percent correct, but they are probably on average above ninety percent correct. I am also using footnotes as examples of how to elaborate on certain subjects without interrupting the flow of the main text.

22 Make sure you are using the latest edition of the Bluebook.

23 Janicke, Writing with Me, *supra* note 2, at ¶6 (emphasis in original).

24 I suggest that you read rule 1.5 now closely. The form and structure of the parenthetical explanation is closely governed by this rule.

b. *My Approach*

Like Professor Janicke, but contrary to the Bluebook,[25] I disallow "*See*" signals without a parenthetical.[26] This is how I use the "*See*" signal in my writing. I believe I owe the reader the service of a parenthetical explanation when I use the "*See*" signal.

I will allow, however, use of "[no signal]" when a source ***directly states the proposition*** for which it is cited. I caution students to be judicious in this use. If there is a question or ambiguity whatsoever about whether it "***directly states the proposition***," use a "*See*" signal with a parenthetical (or another appropriate signal from rule 1.2(a) with a parenthetical).[27]

3. *Layout and Other Items*

All submissions should be in 12-point font Times New Roman for main text above the footnote separator, and single-spaced in both text and notes. Also, these items should be in 12-point, Times New Roman font: footnote text, text in the header and footer, and the Table of Contents text. While text in a paragraph is single-spaced, each paragraph should have half a line space before the start of the next paragraph. This document implements these specifications.[28] For that reason alone, there is benefit for you to start with the Word version of this document as a template when you begin your paper.

Stylize the heading levels as in this document. Use heading numbering as shown herein. Here are examples of headings at level four and five:

a. *Example Heading Four*

Note that text under Heading Four and Five remains the same: double-spaced with a half-inch indent for the first line of the paragraph. In addition, Heading Four should be

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[25] In any other (probably rare) case where my requirements as expressed in this document conflict with the Bluebook, this document controls.

[26] This rule also applies for the other signals listed in rule 1.2(a), except for "[no signal]."

[27] I reserve the right to spot check a few uses of "[no signal]" for a directly stated proposition. One instance of noncompliance will cause a loss of confidence in the other "[no signal]" uses for this purpose, and may require you to convert all such uses to "*See*" signals with a parenthetical. Even without spot checking to the actual source, one can infer much from the main text and the proposition itself about the likelihood of the source directly stating the proposition. This is not meant to be ominous, but keep copies of all of your cited research and be prepared to substantiate if necessary. This is good standard practice anyway. I rarely cite a source without ensuring that I have a paper or electronic copy in my file for the project.

[28] This document varies from these specifications in one minor way. The headings, from level one to level five, are in 13-point Times New Roman text. This helps the headings standout, and is an acceptable, and even recommended, deviation from the 12-point font specification. This exception extends to the masters thesis specifications, which otherwise explicitly requires 12-point font. LLM Student Handbook, *supra* note 10, at 24. Also, this document uses a Word style named "Body Text" to allow revision to all its paragraphs for the formatting of items such as line spacing or space after every paragraph of the style type "Body Text."

numbered. Thus, below Heading Five is another Heading Four, which is automatically tagged by this document with a "b."

Example Heading Five

[example text under heading five]

b. *Another Instance of Example Heading Four*

Paginate the document as shown herein. Margins are one inch all around. Headers and footers are one-half inch from the edges. There shall be an abstract of less than 200 words, located at the start as shown herein. Include a table of contents, preferably automatically generated, in the location shown in this document. If it is generated by hand (which I counsel against – learning to use Word's automatic heading numbering and table of contents generation is a very useful skill), the page designations and correspondence with the actual headings in the document must be correct.

C. *Style*

You normally can't just cite a case in a note, without telling me something about it. This can range, depending on importance, from a mere parenthetical to a discursive note about the facts, contentions, and holding. The only exception is when you have quoted something above the footnote separator, you can just give the case cite, including page, in the note. Long, discursive notes are encouraged.

Quotes above the line must be short. If it's getting long-winded, summarize in the text and give the full language in the note.[29]

Make liberal use of multiple levels of headings to organize your paper. I have tried to make this document an example of such liberal use.

IV. THE FOUR-STAGE SUBMITTAL PROCESS

A. *Submittal Deadline Dates*

Early in the supervised writing project, the four due dates for the four submittals will have to be determined. For a seminar paper, I will provide these to students.

For Special Research or an LLM thesis, the student will submit a preferred schedule of four dates. Please select them carefully. Under the grade evaluation policy that will apply to the project, slipping the deadlines will have a grade penalty. Do not be mislead by stage two being called an "outline." It is ***much more*** than a traditional outline.

I must approve your selection of the four dates. I can communicate two requirements in advance.[30] The first is that for projects planned for a single semester, the last date upon which you will submit the Final Draft shall be no later than the last day of regular classes for the

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[29] This paragraph and the prior paragraph I owe to Professor Janicke.

[30] For LLM students writing the Master's Thesis, there are timing requirements given in the LLM Student Handbook that also bear on the student's selection of the submittal dates. *See* LLM Student Handbook, *supra* note 10, at 24.

semester. The second is that there can be no less than four weeks and no more than eight weeks between any two dates.

B. *Electronic Submittals*

All submissions must be by e-mail attachment in Word. The file-names must be as shown in the table below (including the specified case), with the first blank filled in by your last name, and the date you send it to me encoded in the file name. Do not put any spaces in the file names.

Table 2 – File Names for Staged Submittals

Stage	Submittal File Name
(1) Submittal One	____.SubmittalOne_mm.dd.yyyy.doc
(2) Submittal Two	____.SubmittalTwo_mm.dd.yyyy.doc
(3) Submittal Three	____.SubmittalThree_mm.dd.yyyy.doc
(4) Final Submittal	____.FinalSubmittal _mm.dd.yyyy.doc

C. *Special Research and LLM Thesis*

Your paper shall be submitted to me in four phases, as discussed herein:

(1) an abstract of at least 100 words which states your thesis, and an associated outline implemented in headings and subheadings (or even sub-sub-headings), together using at least five (5) pages under the formatting specified herein;

(2) an abstract of 200 words, the Introduction section of a page length in the range that results when calculating the final page count specified by Table 1 (pg. 8) by ten percent (10%) applied to each end of the range, a detailed and annotated outline supported by properly cited authorities, completing substantially all of the research to write the paper;

(3) A draft of the paper, in the correct format and style, of a total page length that results when calculating the final page count specified by Table 1 (pg. 8) by seventy-five percent (75%), applied to each end of the range; and

(4) The final draft of the paper.

I discuss additional requirements for each stage in the sections below.

1. *Phase One: The Abstract and Outline*

The outline should list the subheadings (and sub-sub-headings) intended for your paper. You will have to do ***substantial research*** to write the outline. I will respond by email as to how your outline looks.

The abstract should state your claim, i.e., what you hope to prove. Look at many example abstracts for guidance on how to write this. Use the resources discussed in *Student Journal Paper Topic Selection*[31] for guidance on where to find example abstracts.

2. *Phase Two: The Introduction and Outline with Authorities*

This is the most difficult and important part of the project, much harder than the actual drafting. The introduction sketches the overall argument and previews the entire paper, but without the full detail provided by later sections. The introduction is for the busy reader who wants to know your main thrust, but may never have time to read anything more.

For the outline with authorities, you need to detail the authorities, especially commentators, you will discuss under each part, section and sub-section of your outline. Obviously you need to ***complete*** your research before you will be able to do this.[32] Annotate liberally. Write down what you will write about within each section. Work out the basic flow and structure of your argument.

I should be able to read the Outline with Authorities and understand the argument and how you will support it in a detailed way.

The boxes below give an example of what might appear in the outline of authorities.

a. *The Derivative Work Right Adds to the Confusion*

Next, since the analysis depends on recognition of the uncertainty inherent in copyright's derivative work right as applied to the mere juxtaposition or reframing of expressive content, briefly explain the variability in that doctrine that exists among the federal courts of appeals.[33]

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[31] *See infra* Part VI.B.

[32] Or, at least you should believe that you have completed your research. Undoubtedly the later stages will raise the need for some additional research, but this should be very minor if your research at the Outline with Authorities stage is performed with diligence and best efforts.

[33] *See* Mirage Editions, Inc. v. Albuquerque A.R.T. Co., 856 F.2d 1341, 1342-44 (9th Cir. 1988) (holding that the defendant prepared a derivative work by removing individual images from an art book and mounting them on ceramic tiles). *But see* Lee v. A.R.T. Co., 125 F.3d 580, 581-82 (7th Cir. 1997) (finding, under the same facts, images mounted on ceramic tiles did not constitute a violation of the derivative work right, and noting that scholarly criticism of *Mirage* has been pervasive). *See also* MELVILLE B. NIMMER & DAVID NIMMER, NIMMER ON COPYRIGHT § 13.03[A][1][d], at 13-51 (2003) [hereinafter NIMMER], § 3.03[C][3], at 3-22.3 (discussing a number of paradigms for derivative works, and then noting that the "foregoing discussion ventilates a bewildering number of options for conceptualizing derivative works"); Lydia Pallas Loren, *The Changing Nature of Derivative Works in the Face of New Technologies*, 4 J. SMALL & EMERGING BUS. L. 57, 84-93 (2000) (arguing that copyright's derivative work right should not prohibit creation by others of integrated digital works that electronically reference, but do not copy, the original digital work).

3. *Phase Three: The Three-Quarters Draft*

This is intentionally not labeled a “first draft” because that leads students into thinking that it is a “rough draft.” It is not. Do not be mislead into thinking that it is. It is difficult to evaluate work with missing notes, improper cite formats, or with other problems even if you promise that you will make corrections later. The Three-Quarters Draft must be is a complete presentation as far as it goes, but possibly with a few small yet unwritten sections, so that I can assess how you are doing. If you encounter problems or questions, communicate with me before going on. It will save both of us time later on.[34]

Do not include a conclusion section for the Three-Quarters Draft. Save that for the Final Draft. Even though the Abstract and Introductions were submitted in a previous stage, improve and revise them for this draft. I will read them again.

4. *Phase Four: The Final Draft*

If you desire and so notify me along with your submittal of the Final Draft, I will also make comments as I see fit in your Final Draft and return these to you electronically. Otherwise, without notification, I may not make any marks during the final read. This may be useful to students who are considering some avenue of publication for their paper.

5. *Informal Feedback Outside the Four-Stage Submittal Process*

I am happy at any time outside the formal steps of the Four-Stage drafting process to provide input and feedback or to discuss the paper.

D. *Seminar Papers*

Seminar papers also use a four-stage submittal process, but with different requirements. The requirements are altered due to the emphasis in a seminar course of selecting the topic and undertaking primary research before the start of the semester. Each submittal should provide a fourth of the paper as nearly final writing. By way of example, if the final paper is to be 48 pages long, the first submittal should be about twelve pages long, including the title page and table of contents page. Those submitted twelve pages should be your best writing for the topic as you understand it at that point in time.

E. *Use of Word’s Revision Tracking Capability*

I will use Word’s revision tracking capability to provide feedback. If you do not know how to use this capability in Word, please learn how it works by the time I provide feedback on the first submittal.

1. *Special Use of Revision Tracking for Seminar Papers*

For seminar papers, when your provide submittals two through four, use Word’s revision tracking to show revisions to material from earlier submittals. Again by way of example, assuming a 48 page paper and submittal two: any revisions in the twelve pages turned in for submittal one should be marked with revision tracking. The new material for pages thirteen through twenty-four should not be so marked.

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[34] Again, this paragraph owes much to Professor Janicke.

V. EVALUATION CRITERIA

Special Research, and advising for an LLM thesis, both require that I provide a letter grade evaluating your work outside the context of a regular course. This part describes the considerations that comprise that evaluation. For a seminar course, these criteria also define how the work is judged for purposes of earning points, where ultimately the points earned by submittals allow for rank ordering of the class for purposes of applying the Law Center's mandated curve.

When I am merely a LLM thesis reader, this part, indeed this entire document, will probably not apply.

Determining the ultimate letter grade to assign to a supervised writing project in Special Research or an LLM thesis should be grounded in as objective a set of criteria as possible, although it may be impossible to expel all subjectivity from the process. With the criteria below I hope to establish an objective foundation.

Summarizing what is below, each submittal is for credit. The next section provides a matrix of factors and shows which factors apply to which submittals. In any particular box where credit can be earned, I will assign points on a scale of 1 to 5. That scale, and each of the factors, is described in the remaining sections in this part.

A. *The Evaluation Factors Applied to the Staged Submittal Process*

Table 3 – Evaluation Factors for Submittal Stages

Factor / Stage	One	Two	Three	Final	% of Total
Compliance with time deadlines	5	5	5	5	14.3%
Following procedures and instructions	5	5	5	5	14.3%
Coherent organization	5	5	5	5	14.3%
Incorporation of my feedback	5	5	5	5	10.7%
Quality of writing and proofreading	5	5	5	5	10.7%
Quality of bluebooking	5	5	5	5	10.7%
Quality and originality of thesis	5	5	5	5	10.7%
Thorough, understandable and persuasive analysis	5	5	5	5	7.1%
Integration of Secondary Literature	5	5	5	5	7.1%
% of total points for Special Research / LLM	10.7%	25.0%	32.1%	32.1%	

Note: boxes filled in with gray do not apply for that stage for Special Research and LLM Thesis; in those settings, total available points sum to 140. Due to rounding, the percentages shown may not sum to exactly 100%. For seminar papers, all nine factors apply for each stage, thus the total points sum to 180; each submittal is worth 25% and each factor is about 11% of the total points available.

B. *The Point Scale*[35]

Exceptional (5 points): The author's performance substantially exceeds the level of competence and professionalism defined in an expectation. The performance clearly and obviously exceeds what would be necessary to satisfy an expectation. Meeting a time deadline will results in 5 points for the Compliance with Time Deadlines factor.

Very Good (4 points): The author's performance exceeds the level of competence and professionalism defined in an expectation. The performance goes beyond what would be necessary to satisfy an expectation.

Good (3 points): The author's performance meets the level of competence and professionalism defined in an expectation.

Satisfactory (2 points): The author's performance falls below the level of competence and professionalism defined in an expectation. The performance fails to do what is necessary to satisfy an expectation.

Poor (1 point): The author's performance substantially falls below the level of competence and professionalism defined in an expectation. The performance clearly and obviously fails to do what is necessary to satisfy an expectation.

C. *Evaluation Factors*[36]

1. *Compliance with Time Deadlines*

I expect students to meet all deadlines. An important element of professionalism is compliance with deadlines, and this is an essential part of any law practice. Please meet all applicable deadlines or seek extensions, although I will not be in a position to liberally grant extensions. Even if there is an extension, there will be some loss of points.

2. *Following procedures and instructions*

This factor measures how well the student's progression through the writing process complies with this document and with any other instructions, procedures and requirements that overlay the project. The procedure requirements are detailed and incorporate a lot of other material, such as the Volokh book. Compliance with them is a matter of degree. One will not lose all points on a submittal with one small non-compliant item. On the other hand, all the requirements are important. The main point is that the student should take every opportunity to demonstrate and effectuate her best efforts to comply with the requirements.

This document also discusses plagiarism. Problems in this area are not limited to merely a few points toward the grade, but put the entire grade, among other things, at risk.

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[35] I am indebted to Professor Sidney A. Shapiro for this point scale. Using a Google search, I discovered his document covering similar topics to this document, and adopted his point scale verbatim. *See* Sidney A. Shapiro, Grading Policy and Class Information, Aug. 18, 2003 (on file with author).

[36] I am also indebted to Professor Shapiro for these evaluation factors, which I adopted from his grading policy document, and then revised for my use here. *See* Shapiro, *supra* note 35.

This factor is not designed to be the primary measure for missing time deadlines, but if a student misses a deadline so egregiously that they receive a 1 for the first factor, Compliance with Time Deadlines, I reserve the right to reduce this factor downward (potentially all the way to 1) for missing a deadline.

3. *Coherent Organization*

The paper should be organized in a coherent manner. I expect that the sections of the paper will build the case for your thesis, step-by-step, in a way that adds coherence and persuasion to your paper. Within a section, the individual paragraphs should relate to each other in a logical manner and advance the argument of the section in a logical manner. As part of this requirement, the Introduction of the paper should describe the order of presentation and alert the reader to how the argument of the paper unfolds section by section. In addition, the individual sections of the paper should contain an introduction that gives the reader a preview of what contribution the section makes to the paper and, after the first section, how the section relates to the prior section. A section should end with a conclusion that sums up the key points that reader should "take away" from the section and that prepares the reader for the next section. Finally, the paper should end with a conclusion that summarizes the argument of the paper in support of your thesis.

4. *Incorporation of my feedback*

To whatever extent and degree I provide feedback (and there will be some) at each feedback point, your use and incorporation of the feedback into the paper earns you points for this component of the evaluation. The goal of my feedback will be to alert you to the ways in which the paper falls short of meeting the other criteria and, where appropriate, to suggest ways to improve the paper in terms of meeting these criteria. This factor will be assessed based on the quality of the responses made to my feedback.

This factor is not designed to be the primary measure for missing time deadlines, but if a student misses a deadline so egregiously that they receive a 1 for the first factor, Compliance with Time Deadlines, I reserve the right to reduce this factor downward (potentially all the way to 1) for missing a deadline.

5. *Quality of writing and proofreading*

The quality of the writing and proofreading is measured by the many facets of what makes for quality legal and writing. I will not attempt to enumerate every facet of quality legal writing as they are a matter of common knowledge, common sense and discussed extensively in writings by others.

6. *Quality of bluebooking*

This is gauged based on the quality of adherence to the bluebook, and the quantity of non-compliant citations, use of text, formatting, etc.

7. *Quality and originality of thesis*

You must do more than merely describe or report on what other persons have written about your topic. Rather, you must indicate what your paper establishes or "proves." That is, what can we conclude about your topic from the evidence and arguments that you will present. You should try to make some independent contribution to the literature, meaning that your paper has a thesis or a conclusion that advances knowledge as represented by prior articles, books, reports, and journals. In other words, your paper should go beyond reporting what others have said; you should attempt to take the existing analysis in the literature one step further. The thesis can be narrow, and it is permissible to draw a narrow conclusion. The key thing is to refine your argument to express a unique view, proposal or perspective. In other words, the paper should say something new or make a new contribution, but "new" is a very thin concept in this context. The paper should give the sense that it thoroughly canvases and acknowledges the existing legal literature and positive law on the topic (this is one of the many reasons why it is important to sufficiently narrow the topic).

8. *Thorough, understandable and persuasive analysis*

In order to provide a thorough, understandable, and persuasive analysis of the subject, the paper should clearly explain the state of knowledge in the law and the literature, the relationship of these to your topic, and why your thesis or conclusion makes sense. The paper should provide the reader with the type of background information and knowledge necessary to understand the issues and the arguments for the thesis. The author should not assume that the reader already has this type of background information. Further, the author should avoid descriptions, explanations, and arguments that are ambiguous or otherwise unclear. Finally, the paper should make strong, clear, and logical arguments on behalf of its thesis. Papers will be assessed in relation to the quality and strength of the arguments presented on behalf of the thesis.

9. *Integration of Secondary Literature*

The paper should reflect thorough and complete research, including relevant books, journal articles (law and non-law), regulations, statutes, and cases. This means that you must locate and use the secondary literature relevant to your topic. The goal is to gain expertise in the area of related disciplines about which you are writing and demonstrate that expertise in your paper. Please note that the requirement is "thorough and complete" research. A paper based on just one or two sources does not fully meet this qualification. Further, law review articles are not the only source of policy information and analysis, and they are often not the best source. You can earn a better score on this factor if I see evidence that you have researched books, policy journals, the World Wide Web, and other non-law review literature. Do not merely cite articles that others have written, but use those articles. Build on them.

D. *Translating the Point Totals into a Letter Grade*

In a seminar class, where a course curve must be enforced under Law Center policy, I will use the points earned to rank order the class and apply the Law Center's grading curve. The raw points earned will determine the shape of the curve, and I will shift it as high as possible when awarding letter grades.

For supervised writing outside of a seminar class, such as for Special Research and Writing or for the LLM Master's Thesis, I will apply the following table to determine a letter grade.

Table 4 – Point Percentages Required for Particular Letter Grades (not applicable to seminars)

Percent of available points earned is at this level or higher (but below the next highest level)	Grade
90%	A
82%	A-
74%	B+
66%	B
58%	B-
50%	C+
42%	C
34%	C-
26%	D+
18%	D
Less than 18%	D-

I hope this articulation of the evaluation methodology for supervised writings is useful to you. It is my hope that this methodology creates a set of incentives for a smooth writing experience that is fair and produces an optimal learning environment for the supervised writing project. In addition, at any time before, during or after the process, I welcome your input about any ways I might improve this methodology.

VI. WRITING RESOURCES

Except for the first section VI.A, which is mandatory, my comments in this part are entirely precatory, but are highly recommended.

A. *Required Writing Resource and Source File Requirement*

You must purchase a copy of Eugene Volokh's book: Academic Legal Writing: Law Review Articles, Student Notes, and Seminar Papers.[37] Further, you must read and study it, and use it during the writing process.

The Volokh book has a recommendation that I make a requirement: retain a copy (preferably electronically) of all cited sources. For cases and law review articles from Westlaw, this is easy to do: download them in electronic form. For books and print materials that you do not own, this means making copies on a copier of cited pages. Also, always copy all the pages necessary to create a full bluebook cite, which typically means the title page just past the cover, the copyright page, and sometimes the table of contents. In addition, be very careful about Internet sources. Always save a copy of cited web sites – they may be gone tomorrow. The best way to do this for HTML is to print the web site to a .pdf file, with the browser header settings

[37] This book is a paperback, about 200 pages. It was published by Foundation press in May 2003, with a second edition in 2005. By 2010, the book is on its fourth edition. Used prices on Amazon.com were in the fifteen dollar range at the time of this writing. More information is available at: www.volokh.com/writing.

configured to print the web URL and the date of printing.[38] When downloading .pdf files posted on a web site, it is critical to also save the URL from which you obtained the .pdf file (the URL doesn't necessarily come with the file). The best way to save this is to copy the URL from the browser and use an Acrobat Note Tool "Comment" to store the source URL inside the .pdf file on the first page.[39] These Note Tool "Comments" in Acrobat look like electronic post-it notes.

I reserve the right to have you send or show me any cited source. In essence, this is your "evidence" file behind the argument in the paper. It is similar to the file you might have someone at a law firm keep for a client matter.

B. *Finding Topics*

See Part II of the document listed below:

Student Journal Paper Topic Selection, available from my main web page:

http://www.law.uh.edu/faculty/gvetter/documents/StudentJournalPaperTopicSelection.Prof.Vetter1c.5.1.2005.pdf [hereinafter *Student Paper Topic Selection*]

[_Finding a topic is often the hardest part of the process!_] [40]

C. *Other Writing Resource Recommendations*

For general writing resources, see Part III of *Student Paper Topic Selection*.

I have one strong recommendation for the mechanics of the bluebook: get a copy of this Bluebook resource: *User's Guide to the Bluebook*.[41] It is a quick read and a great companion for using the Bluebook. Bluebook compliance is a requirement of Part III, so I think this small inexpensive book is a good investment.

D. *Some Ad Hoc Research Tips*

The list below provides a non-prioritized, ad hoc list of hints and tips for research. These are items that I subjectively think are important. Some are general, some are specific. These should not supplant your own good research skills.

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[38] Note that this requires one to have a full copy of Adobe's Acrobat product, not just the free Acrobat reader, or use one of the open source .pdf printer drivers available. If printing to a .pdf file is not possible, saving the HTML file is the next best option.

[39] Note that this also requires one to have a full copy of Adobe's Acrobat product, not just the free Acrobat reader.

[40] The footnoted paragraph is enclosed with "[_" and underlined to indicate that it is an annotation. This is not a standard, it is simply my own style for annotating documents to show that something is temporary, needs to be checked, provides direction about what I need to write, etc. You might consider using this style for annotations in the first three steps of the Four-Stage submittal process. It differentiates the text that you have settled on, and that which you have not.

[41] ALAN L. DWORSKY, USER'S GUIDE TO THE BLUEBOOK, REVISED FOR THE SEVENTEENTH EDITION (2000).

Most of my examples in the list below are based on WestLaw databases. Also, some of the tips are phrased in the form of questions.

- Understand the difference in scope of various WestLaw (or Lexis) databases. For example, what is the difference between JLR and TP-ALL?
- Know the difference between searching in JLR versus CILP versus other compilation databases.[42] The WestLaw database that tells one about its databases is IDEN.
- Become familiar with the legal news databases in WestLaw, as well as with the regular newspaper databases.
- The classical research recipe for an issue includes stops at: (i) treatises;[43] (ii) legal encyclopedias; (iii) annotated statutes, regulations, and treaties; (iv) case reports; and (v) secondary sources – often law review articles. Given the pervasiveness of the Internet, one should add item (vi) to the standard research recipe – variously worded searches with a good web search engine such as Google. More and more law professors are "self-publishing" their papers early. This means some important works may be available for a number of months only on the web site of a professor; the paper may not appear in a law review until months or years later. For some projects there also may be a need to research in the literature of other fields, such as economics, management, history, etc. Finally, in addition, the Social Science Research Network ("SSRN") (www.ssrn.com) has a Legal Scholarship Network ("LSN"). This is an important place where law professors pre-publish articles. Thus, the SSRN/LSN (http://www.ssrn.com/lsn/) is an important research location. It is item (v) on the standard internet research recipe.
- Keep logs of your research in a Word document. While WestLaw has a "Research Trail" feature, it is sometimes very useful to cut-and-paste searches into a Word document and make a short notation as to the number of hits the search produced. Then, as the search is refined, the Word document provides a trail of the "narrowing" process you used to zone in on the most relevant sources.
- Learn how to use fields in the WestLaw terms and connectors search.
- Learn to setup and use WestClips to automatically scan for items.
- Learn how to download and save sources, or subdivisions of sources, electronically from Westlaw to Word ".doc" files.

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[42] Other relevant WestLaw databases are ILP and IFLP. However, UHLC's Westlaw account does not provide access to these. There are alternative Westlaw databases that index legal periodicals: LRI and LRI-D.

[43] For treatises, it is often necessary to review both WestLaw and Lexis. Often, they each offer different treatises.

VII. CONCLUSION

I hope you find this document useful to help you understand what will be required of you in the supervised writing project. It is important to me that I give students good notice, at a detailed level, of what I expect. It is my hope that this document and the Four-Stage submittal process create a set of incentives for a smooth writing experience that is fair and produces an optimal learning environment for the supervised writing project. In addition, at any time before, during or after the process, I welcome your input about any ways I might improve this methodology or this document.