

**LEGAL RESEARCH AND WRITING (1L) PROGRAM
POLICIES AND PROCEDURES
2018-19**

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INTRODUCTION: THE LEGAL RESEARCH AND WRITING PROGRAM

Legal Research and Writing I and II (LRW) teaches 1L students legal analysis, research and writing, the skills that form the foundation for everything lawyers do. LRW also provides an introduction to the context in which the practice of law actually occurs. LRW assignments and lessons mirror the work performed in actual law offices. This contextual learning environment shows students not only the key tasks of lawyering, but also how to resolve the practical and ethical issues lawyers commonly encounter. In LRW, students will learn about the ways lawyers communicate and interact in their professional roles.

THE RULES

RULE I: APPLICABILITY OF RULES

A. Scope of Rules

1. These rules govern policy and procedure for all oral and written assignments in the LRW Program.
2. These rules also govern professor authority, discretion, and student behavior.

3. **These rules may be supplemented and altered by an individual Professor's rules and policies.**

B. Suspension of Rules

1. Generally

A Professor can suspend the requirements or provisions of certain rules in a particular case for good cause shown. Please refer to a specific rule to determine whether the Professor may waive or alter its requirements. Should a rule be subject to waiver or modification, the Professor may do so:

- a. upon the written petition of a student, setting forth good cause; or
- b. upon the Professor's own motion.

2. Good Cause

- a. The Professor will determine, on a case-by-case basis, what constitutes "good cause," subject to the guidelines and limitations in part (b)-(d) below. The Professor may require written evidence to support a "good cause" suspension of the requirements.
- b. Generally, "good cause" is defined as medical or family emergencies.
- c. "Good cause" does not include computer, printer, or other electronic failure.
- d. "Good cause" does not include power failure, heavy traffic, car failure, or other similar "unavoidable" problems.

RULE II: SUBMISSION OF ASSIGNMENTS

A. Responsibility of Students

1. Students must submit all assignments in conformity with these Policies and Procedures and the specific requirements announced by their Professor. These requirements will vary with individual assignments, and students are reminded to confirm the exact requirements prior to submitting an assignment.
2. Students must submit their assignments as directed by their Professor no later than the time designated by their Professor. Some Professors require delivery of hard copies to the basket located at the Professor's secretary's station. Some additionally or alternatively require electronic submission on the website created for the course or via e-mail. In either case, it is the student's responsibility to conform to all requirements for submission.
3. Students may not submit graded assignments by electronic means (e.g., by email, TWEN or Blackboard) unless electronic filing is expressly permitted or required for a particular assignment.

4. Students should keep additional print and electronic copies for their own use in later rewriting assignments or as writing samples for potential employers.
5. Students should save all graded papers returned to them during the semester, at least until a final grade is received for the course.
6. If an assignment is to be anonymously graded (which will be announced by the Professor at the time the assignment is given), students must secure anonymous grading numbers from Student Services (not from the professor) prior to the due date for the submission of any assignment. Students must ensure that all identifying information is removed before submitting an anonymous assignment. Electronically submitted anonymous assignments may require additional specific steps to remove identifying information, and students must carefully review and comply with those steps where applicable.

B. Late Submission of Assignments

1. Any student who knows that he or she cannot, for good cause, submit an assignment on time must request an extension of time from the Professor, in writing and before the deadline.
2. The Professor has discretion to determine what constitutes good cause for lateness (subject to the limitations set forth in Section I (B)(2) above), the length of any extensions to be granted, and any procedures that must be followed in connection with the late submission of assignments.
3. Late submission of assignments without prior permission from the Professor shall result in the imposition of the penalties described in subsection C of this Rule unless the student shows that extraordinary circumstances prevented the student from being able to turn in the paper. The Professor will determine what constitutes extraordinary circumstances; except that computer and printing problems will not constitute extraordinary circumstances, so plan ahead.
4. **Any assignment that is submitted late in paper form, with or without permission, must be initialed by a secretary or a Professor who will certify the time and date of submission. In the case of a late electronic submission, the online filing system will provide a record of the time and date of submission.**

C. Consequences of Improper Submission

Any assignment that is not submitted at the proper time and place, or in the proper manner, as specified in Rule II and the Professor's supplemental policies, shall be subjected to the following penalties:

1. Unless an extension has been granted by the Professor, the grade for late assignments shall be reduced by 5% for each hour, or part of an

hour, that it is late. In other words, a grade of 85% will be reduced to 80% during the first hour, to 75% during the second hour, and so on.

2. Unless an extension has been granted by the Professor, if an assignment is not submitted within 8 hours of the due date and time, it shall receive a grade of "F."
3. An improperly submitted assignment includes, for example, assignments submitted in the wrong manner, in the wrong format, with the wrong title for the document, among other errors. With the exception of a submission that destroys anonymity for an anonymous assignment, the Professor may impose a penalty, including grade reduction, for improperly submitted assignments at his or her discretion.
4. If an assignment which is to be anonymously graded is submitted in a manner or contains information that destroys anonymity, it is a violation the Law Center's Supplemental Academic Conduct Standards and is subject to the penalties set forth in those standards.
5. Generally, team members share equal responsibility for proper submission of joint assignments. The Professor may apply different sanctions to each team member, however, depending on the circumstances and the degree of responsibility each team member bears for the improper submission.
6. If the student frequently submits assignments late or fails to submit any assignment, the student may fail the course. Students are responsible for ascertaining their Professor's supplemental policies, if any, regarding this rule.
7. See Louis J. Sirico, Jr., [A Primer on Professionalism](#), appended below, and paragraph 3 in particular.

RULE III: CLASS ATTENDANCE, PREPARATION, AND TARDINESS

A. Class Attendance

1. Attendance in class is mandatory. Students are expected to attend class and face penalties if they fail to do so, just as attorneys are expected to attend court hearings and face penalties if they fail to do so.
2. It is your responsibility to sign the attendance sheet for each class; if you do not sign in, your Professor may treat you as absent in the Professor's discretion.
3. When a Westlaw or Lexis training session is scheduled, or a similar class outside regular class times, attendance is mandatory.
4. Consequences for failure to comply with the rules set forth in Rule III A. will result in either a reduction in grade, withdrawal from the course or other penalties, as explained below.

- a. A grade reduction means your final semester grade will be lowered to the next available grade. For example, if your cumulative assignments yield a grade of C+, your final grade for the semester will be lowered to a C.
- b. If you are absent three (3) times, your final semester grade will be lowered to the next available grade. This requirement may not be waived by the Professor.
- c. If you are absent four (4) times or more, you will be automatically withdrawn from the course and receive a Failure (F) for the course. This rule applies regardless of the reason or excuse for each of the absences. This requirement may not be waived by the Professor.
- d. Students who do not complete the required training during a semester will receive a final grade of Incomplete (I) in LRW or a grade reduction, or other penalty at the Professor's discretion.
- e. You will receive no credit for any quiz or graded assignment that takes place on a day you are absent. Your Professor may, at his or her discretion and upon a showing of good cause for your absence, allow you to complete the assignment or quiz or an equivalent assignment.

B. Class Preparation

1. Students are expected to prepare for class, just as attorneys are expected to prepare for court hearings; thus, preparation for class is mandatory.
2. You are "unprepared" if you have not read and considered the assigned material, if you do not submit a written exercise in class when called upon to do so, or otherwise fail to complete reading or activities assigned for or during that day's class.
3. Students who have been absent from class are expected to consult their classmates for missed notes and assignments and to consult the syllabus for updates. It is not a violation of the [NSU Code of Student Conduct and Academic Responsibilities](#) and [the Law Center's Supplemental Academic Conduct Standards](#) to share your class notes with a student who was absent from class. Anything beyond sharing your class notes may subject you to sanctions.
4. **Students may not use handouts or materials from another LRW section without the express permission of their own Professor. Each LRW Professor has a unique approach to his or her class; thus, it is not appropriate or wise to use a different Professor's materials.**

5. Unless your Professor provides differently in supplemental policies, if you are unprepared more than two (2) times, your final semester grade will be lowered to the next available grade. A grade reduction means if your cumulative assignments yield a grade of C+, your final grade for the semester will be lowered to a C.

C. Tardiness

1. Students are expected to arrive to class on time, just as attorneys are expected to arrive at court hearings on time.
2. Class begins at the scheduled time. If a class is scheduled to commence at 1:00 p.m., for example, this does not mean that you may enter the classroom at 1:00 p.m. Instead, you must be seated, with your computer "booted up" and all materials required for the session removed from your book bag and within reach, when the Professor begins speaking.
3. A Professor may refuse to permit a late-arriving student to enter the classroom after class has started. A late-arriving student creates an unnecessary disruption and distraction. If a student arrives late and is thereby prevented from attending class, it will count as an absence from class.
4. If the Professor allows a late-arriving student to enter the class, the Professor may impose other sanctions at his or her discretion, or in accordance with the Professor's supplemental policies.
5. If you arrive more than thirty (30) minutes after class has started, even if you are permitted to enter the classroom, you will be considered absent from that class session.
6. If you are late by less than thirty (30) minutes, on three (3) or more occasions but, nonetheless, are permitted to enter the classroom, a Professor may impose sanctions, which may include a grade reduction or absence.

D. Professionalism

1. Professionalism is an important component of this course, as it is in the practice of law. Students are expected to conduct themselves in class as they would in a courtroom or law office.
2. During class, students should not engage in distracting or disruptive activities and laptops must be used only for LRW work. Distracting or disruptive activities include, but are not limited to, surfing the Internet, instant messaging, or otherwise using computers inappropriately during class; cell phone interruptions; texting; chit-chatting; leaving class during class time (except in an emergency); and similar activities.
3. All cell phones and electronic devices (other than laptops) must be turned off during class.

4. If your cell phone or other electronic device sounds in class, or if you carry on other inappropriate activities including doing work for other classes, your Professor may tell you to leave class, and reduce your grade one step (or some other sanction may be imposed as deemed appropriate by your Professor). If the Professor allows you to remain in class, the Professor may impose other sanctions at his or her discretion, or in accordance with the Professor's supplemental policies.
5. See Louis J. Sirico, Jr., [A Primer on Professionalism](#), appended below, and in particular, paragraph 4.

E. Rewards

A Professor, in his or her discretion, may raise a student's final semester grade to the next available grade as a reward for substantial and meaningful class participation. In other words, if a student's final semester grade is C, that grade may be raised to a C+ if a student has consistently contributed meaningfully to classroom discussions.

The standards in Rule III may be stricter than those employed in your 4-credit classes because your presence and participation are crucial to learning the skills taught in the LRW program. Learning skills requires hands-on practice and missing the full experience, whether by an absence or inadequate preparation, will detract from your learning and, ultimately, hurt your grade.

RULE IV: GRADES

A. Final Semester Grades

1. This final semester grade may be raised or lowered for reasons listed in [Rule III](#).
2. **The LRW Program is subject to the mandatory Law Center grade normalization rule. Grades for each section of LRW will be normalized to conform to this requirement. See [Code of Academic Regulations](#) and rules stated therein.**
3. **The grade normalization rule requires that all LRW I sections have a final average grade between 2.5 and 2.7 (which equates to a C+/B-average).** Under the Law Center rule, the final grade for each student may need to be adjusted so the class average fits within the required grade range. This requires that the Professor grade each student's paper in relation to the rest of the class. Unlike other first year courses, LRW assigns grades on multiple assignments over the course of the semester. Because of the normalization rule, the average grade of your assignments may **not** be the final grade you receive in the class. For example, an average of a 75% may not translate into a grade of a C. Each professor uses a slightly different grading scale over the semester, but each must adhere to the strict grade normalization rule at the end of

the semester without exception. This rule helps make sure that no student will be penalized simply by being placed into a particular section.

B. Grade Changes

1. Law school policy states that once a grade has been determined, students may not seek and faculty members may not grant a reevaluation. See [Code of Academic Regulations](#).
2. The LRW Program follows the law school's grade-change rule for all assignments submitted for grading, in addition to the final grade for the course. Once the Professor has returned a graded assignment to you, that grade is final and may not be changed except for mathematical or clerical error.

RULE V: RESEARCH METHODS AND SOURCES

- A. Students generally may use any research source and all methods of research that have been discussed in class up to the time an assignment is submitted, unless your Professor instructs otherwise.
- B. Any questions about whether a particular research source or strategy is appropriate should be addressed to the Professor.

RULE VI: PLAGIARISM AND UNAUTHORIZED COLLABORATION

- A. Plagiarism is a serious offense. Students suspected of plagiarism may have a complaint filed against them under the [NSU Code of Student Conduct and Academic Responsibility](#). For an overview of plagiarism, See Louis J. Sirico, Jr., [A Primer on Plagiarism](#), appended below. Note that unauthorized collaboration, as discussed below, is a form of plagiarism and subject to academic discipline.
- B. The LRW Program strongly encourages students to learn from one another. Thus, there may be times when an assignment specifically invites students to work with a partner or in teams. However, unless **express instructions** for collaboration are given by the Professor, the written work students to work with a partner or in teams. However, unless **express instructions** for collaboration are given by the Professor, the written work submitted must be the sole product of the student's efforts, unassisted by anyone other than the student's Professor.
- C. In preparing a graded written assignment, unless given express permission to do so by the Professor, a student may not engage in any of the following which are considered unauthorized collaboration:
 1. Examine or review the written work of any other student;
 2. Invite any other student to review his or her written work, for either party's benefit;
 3. Share electronic files that contain another student's responses to any assignment;

4. Give to or receive from another student the fruits of the research process, including citations or case names;
 5. Consult the written work of any student from a previous year; or
 6. Allow the written work to be reviewed, critiqued, edited, or proofread, by any other person, including friends, family members, co-workers, or anyone else.
- D. Students should avoid having discussions with any person, including any classmate, student from a previous year, attorney, judge, law library staff member, law faculty member other than the student's LRW Professor, friends, or family, on any question dealing with any factual, legal, or strategic matter relating to an assignment, such as possible lines of questioning or argument, problem-solving approaches, and plans of action or tactics for any graded LRW assignment covered by these Rules, without the prior express permission of the Professor. Such discussions are considered unauthorized collaboration.
- E. Students should direct questions concerning these rules or other matters relating to plagiarism and collaboration to their Professor.

RULE VII: DESTRUCTION OR ABUSE OF LIBRARY MATERIALS

Destroying or abusing library materials, or engaging in any conduct which deprives students of access to library materials is a violation of the [Law Center's Supplemental Academic Conduct Standards](#). If a Professor determines that any student participating in the LRW Program has destroyed or abused library materials in contravention of library rules, or has exercised control over library materials in any other manner that is intended or likely to disadvantage other students, including but not limited to, "hiding" books, writing in books, and/or removing pages from books, the Professor shall in all cases institute proceedings that may result in disciplinary action in accordance with the [Law Center's Academic Disciplinary Process](#). See Louis J. Sirico, Jr., [A Primer on Professionalism](#), appended below, and in particular, paragraph 2.

RULE VIII: POWER TO SANCTION

The Professor has the power to determine and apply the sanctions for failure to comply with these rules, including instituting proceedings that may result in disciplinary action in accordance with the [Law Center's Academic Disciplinary Process](#).

A Primer on Professionalism

Louis J. Sirico, Jr.¹

When you enter law school, you enter a profession in which you have responsibility for the lives and finances of others. To successfully shoulder this responsibility, you must act professionally. By professionalism, we mean conforming to the technical and ethical standards of the legal profession as well as its etiquette and culture. Your obligation to act professionally begins in law school. Here are six rules.

1. **Learn all you can. You have a duty to your future clients.** Although there is time for play, you must focus on your legal training. You have only three short years to lay a foundation for your career. Being a hard worker and self-starter are traits that your colleagues will notice. By being a conscientious student, you will develop your professional reputation while you are still in law school.
2. **Follow the ethical rules.** Law schools have honor codes and can be very harsh with students who violate them. Don't even consider cheating, plagiarizing, or destroying or hiding library books. Be careful about conduct that is borderline, for example, monopolizing library books. Questionable conduct will reflect badly on your integrity and credibility. Clearly unethical conduct can lead to a notation on your permanent record that appears in a report to the bar admissions committee. Don't ruin your career before you launch it.
3. **Produce quality work on time.** Take pride in your work. Develop a reputation for producing a high quality product. What do you suppose happens to lawyers who file sloppy or ill-researched documents and miss deadlines? Their clients lose, their clients sue them, and their clients complain to the bar's disciplinary body. In law school, we also expect quality work, handed in on time. Remember those college days when you could turn in papers late and say they were only rough drafts? Remember when you could invent your own way of citing authorities in footnotes? You must leave those practices behind. If, for some serious reason, you cannot meet a deadline, ask for an extension well in advance.
4. **In the classroom, act with courtesy.** What goes on in the classroom is critical to your education. You cannot afford to miss classes or fail to participate in them. You know what it is like when others disrupt your learning in the classroom. You know how disturbing it can be when another student carries on a conversation with a neighbor, reads a newspaper, strolls in late, leaves early, or wanders in and out. Be considerate. If you need to leave early, notify the instructor and sit by the door.

¹ Professor Sirico is Director of Legal Writing at the Villanova University School of Law.

5. **Do not whine.** It is certainly appropriate to voice legitimate concerns, for example, to seek an explanation for a disappointing grade. However, it is inappropriate to exaggerate your complaint or to complain when you refuse to be accountable for your conduct and place the blame on others. When a judge criticizes you, are you going to blame your colleague or your secretary? When you receive a dismaying evaluation from a supervisor, are you going to whine or go on the attack? If so, you are not going to be successful. Even when you present a legitimate complaint, do it with some perspective and grace.

6. **Treat other people decently.** Going to law school and practicing law are stressful. Make life easier by being sensitive to others. Be willing to help other students master difficult concepts. Keep the noise down in the library. Make time for people who need someone to talk with. Compliment people. Say thank you. This advice applies to the way you deal with your fellow students, faculty members, administrators, and support staff. Develop a reputation as a supportive, caring person. In later years, your classmates will continue to be your professional colleagues. Your life will be more pleasant if they like you and trust you.

A PRIMER ON PLAGIARISM

By Louis J. Sirico, Jr.

Law school honor codes and disciplinary rules normally forbid submitting the work of another as one's own work in any academic pursuit, whether or not with the consent of the author of the work. Plagiarism violates this rule.

Types of Plagiarism

1. Quoting the words of another without attribution.
2. Paraphrasing the words of another without attribution.
3. Using the ideas of another without attribution.

The underlying rule is simple: Do not use the words or ideas of another and represent them as your own. Give credit where credit is due. Avoid plagiarism by including a citation to the source.

How Plagiarism Applies to Memos, Briefs, and Other Law School Projects

1. **Quotations**. When you quote, give a citation to the source.
2. **Paraphrasing**. If you take another's sentence and change a few words, you still must give a citation. If you paraphrase, do not use quotations, but use a signal, usually see. There is a gray area between paraphrasing and putting something in your own words. You must decide whether or not a citation is necessary. Err on the side of caution. Usually you will want to include a citation, because a citation to authority increases the persuasiveness of what you are saying.
3. **Original Ideas**. Closely following the structure of another person's written work falls into this category. For example, taking a few pages from a law review article or treatise and rewriting them in your own words constitutes plagiarism. Debatable cases arise when the structure of another's argument is not particularly original. Again, err on the side of giving credit. A citation increases persuasiveness.
4. **Legal Work Outside Law School**. There, the rules are much looser with regard to paraphrasing and using original ideas. Nonetheless, ignoring one's sources or relying on them too heavily may evidence poor lawyering. In law school, writing legal documents is an academic endeavor, and students must give attribution to sources.
5. **A Sense of Proportion**. You need not place a citation after every sentence you write. Excessive cites are unattractive and break the flow of the sentences and your argument. They also suggest that you have avoided thinking and instead have pasted together the words of others. This sort of cut-and-paste product rarely is effective. In deciding when to cite, use your common sense. If you have questions, ask them before your deadline for submission. Avoid putting yourself and others in an embarrassing position.

ILLUSTRATION

The left-hand column is an excerpt from a fictitious law review article. The right hand column is a plagiarized version.

The classic cases on the law of lost and found property are worthless guides for a principled court. Authorities frequently cite Armorie v. Delamirie as the major finder's case. The case, however, is about the rights of a finder against those of a subsequent possessor who wrongfully converted the property. The court's brief discussion of the comparative rights of the finder and true owner is dictum. In South Staffordshire Water Company v. Sharman, workers found gold rings on their employer's property. The court announced a rule accurate as a generality--the owner of a locus in quo presumptively possesses items on the land--when it could have relied on an uncontroversial rule--employees who find things in the course of their employment act as agents of their employers. In reaching its holding, the court entirely misread Bridges v. Hawkesworth, another traditional case. In Hannah v. Peel, the court offered a thorough discussion of the law and then ignored it to reach a curious result.

The classic cases on the law of lost and found property are worthless guides for a principled court. Authorities frequently cite Armorie v. Delamirie as the major finder's case. The court's brief discussion of the comparative rights of the finder and true owner is dictum. The case really is about the rights of a finder against those of a subsequent possessor who wrongfully converted the property. South Staffordshire Water Company v. Sharman concerns workers who found gold rings on their employer's property. Though the court could have rested its opinion on an uncontroversial rule--employees who, in the course of their employment, find personal property act on behalf of their employers--it chose to rely on a rule that is accurate only as a generality--the owner of a locus in quo presumptively possesses items on the land in question. The court betrayed its lack of understanding by misreading Bridges v. Hawkesworth, another standard case. The court in Hannah v. Peel reached a curious conclusion after offering a thorough discussion of the law and then ignoring it.

COMMENT ON THE ILLUSTRATION

The first two sentences in the right-hand column are the clearest examples of plagiarism. The writer copied them verbatim without quotation marks and without citation. The next two sentences are virtually verbatim, but in reverse order, perhaps to mislead the reader who is familiar with the original article. In the remaining sentences, the writer has rearranged parts of sentences and changed a few words here and there. Throughout, the writer has employed the organizational structure and substantive ideas of another without giving credit.

By failing to give proper attribution, the writer has reduced the persuasiveness of the argument. Citations to the article would have demonstrated that a published authority shared the writer's view and thus made the argument stronger.