VILLANOVA UNIVERSITY
SCHOOL OF LAW

LEGAL RESEARCH, ANALYSIS, WRITING, AND COMMUNICATION
RULES AND PROCEDURES

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PART I – APPLICABILITY OF RULES

RULE 1: SCOPE OF RULES

These rules govern your work for the first-year Legal Research, Analysis, Writing, and Communication course (“Legal Research and Writing”). You are responsible for reading and being familiar with these rules and procedures. You are also bound by the Villanova University School of Law Academic Code of Conduct (the “Honor Code”). In these Rules, “professor” refers to the professors who teach your Legal Research and Writing I and II courses.

RULE 2: SUSPENSION OF RULES

A professor can suspend the requirements or provisions of any of these rules in a particular case, except for any rule concerning plagiarism or the Honor Code.

PART II – ETHICAL RULES

RULE 3: PURPOSE AND SCOPE OF ETHICAL RULES

In preparing memoranda, motions, and other documents and assignments in your Legal Research and Writing course, you must act in an ethical and professional manner. Any act or omission that is unethical may subject you to sanctions under the Honor Code or under these Rules.

RULE 4: PROHIBITION AGAINST PLAGIARISM

(a) Definition. Rule 2.3(f) of the Honor Code forbids “submitting in an academic activity the work of another as one’s own work, with or without the consent of the author of such work.” Plagiarism violates this rule of the Honor Code. As further defined below, types of plagiarism include:
1. Quoting the words of another without using quotation marks.
2. Quoting the words of another without attribution.
3. Paraphrasing the words of another without attribution.
4. Using the ideas of another without attribution.

(b) **General Rule.** As further defined below, you may not use the words or ideas of another and represent them as your own. You must attribute the words and/or ideas of others to the source(s) from which you obtained them. You must use quotation marks if you use the exact wording used by another person. Err on the side of caution when deciding whether to cite. Usually you will want to include a citation because a citation to authority increases the persuasiveness of what you are saying.

(c) **Application of Plagiarism Rule to Memoranda, Motions and Other Law School Projects.** You can adhere to the prohibition against plagiarism by complying with the following guidelines:

   (1) **Quotations.** When you quote, you must use quotation marks and give a citation to the source.

   (2) **Paraphrasing.** If you take another’s sentence or any part of another’s sentence and state the ideas in your own words, you still must give a citation. If you paraphrase, do not use quotation marks, but be sure to cite the source of the idea. You should provide quotation marks around a phrase within your paraphrase if that phrase is unique and is from your source. Again, err on the side of caution when deciding whether to cite and whether to use quotation marks. Note that paraphrasing is not simply changing a few words in the sentence. If you simply change a few words, you should indicate those changes in brackets and otherwise quote the passage. See the examples illustrated in Rule 4(c)(4) below.

   (3) **Original Ideas.** Taking a few pages from another’s work, including a law review article or treatise, and rewriting them in your own words constitutes plagiarism.
Closely following the structure of another person’s written work also falls into this category. Debatable cases arise when the structure of another’s argument is not particularly original. Again, err on the side of citing. A citation increases persuasiveness.

(4) Illustrations of Plagiarism. Examples illustrating acceptable and unacceptable citations follow. The examples of unacceptable citation are illustrative, but are not the only kinds of unacceptable citation.

Original

“But if we allow our personal opinions and goals to cause us to manipulate the law, our commitment is no longer credible, no matter how righteous our purpose.” Commonwealth v. Lemanski, 529 A.2d 1085, 1089 (Pa. Super. Ct. 1987).

Acceptable Rephrasing (paraphrasing)

Even a well-meaning judge cannot let his or her personal wishes influence his or her judgment in a case. Commonwealth v. Lemanski, 529 A.2d 1085, 1089 (Pa. Super. Ct. 1987).

Comment: The writer has taken the idea expressed in Lemanski and stated the idea in the writer’s own words. Because no language was taken directly from Lemanski, there is no need to use quotation marks. However, the writer properly cites Lemanski because Lemanski is the authority that supports the writer’s statement.

Acceptable Quoting

A judge cannot let his or her personal wishes influence his or her judgment in a case, “no matter how righteous [his or her] purpose.” Commonwealth v. Lemanski, 529 A.2d 1085, 1089 (Pa. Super. Ct. 1987).

Comment: The writer has taken the idea expressed in Lemanski and stated part of the idea in the writer’s own words and part of the idea in the words used in Lemanski. The writer correctly does not use quotation marks around the writer’s own words. However, the writer must use quotation marks around the words that are taken directly from Lemanski. The writer also must indicate, by using brackets, where the writer has altered the language used in Lemanski (changing “our” to “his or her”). The slight change to the language in Lemanski does not mean that the writer has paraphrased Lemanski; the writer has quoted the case.

Original
“But if we allow our personal opinions and goals to cause us to manipulate the law, our commitment is no longer credible, no matter how righteous our purpose.”

**Unacceptable Uses:**

But if we allow our personal opinions and goals to cause us to manipulate the law, our commitment is no longer credible, no matter how righteous our purpose. Commonwealth v. Lemanski, 529 A.2d 1085, 1089 (Pa. Super. Ct. 1987).

Comment: The writer correctly cites Lemanski as the authority that supports the stated point. However, the writer incorrectly fails to put quotation marks around the sentence. The writer must put quotation marks around the sentence because the writer used the same language that the court used in Lemanski.

If a judge allows his or her personal opinions and goals to cause the judge to manipulate the law, the judge’s commitment is no longer credible, no matter how righteous the judge’s purpose. Commonwealth v. Lemanski, 529 A.2d 1085, 1089 (Pa. Super. Ct. 1987).

Comment: The writer correctly cites Lemanski as the authority that supports the stated point. However, the writer incorrectly fails to put quotation marks around the sentence and show, with brackets, the writer’s alterations to the language used in Lemanski. The writer must use quotation marks and indicate where the writer has altered the language of Lemanski. The writer has not paraphrased Lemanski; rather, the writer has taken the specific language of Lemanski and only slightly modified that language.

A judge cannot let his or her personal wishes influence his or her judgment in a case no matter how righteous his or her purpose. Commonwealth v. Lemanski, 529 A.2d 1085, 1089 (Pa. Super. Ct. 1987).

Comment: The writer correctly cites Lemanski as the authority that supports the stated point. However, the writer incorrectly fails to put quotation marks around “‘no matter how righteous [his or her] purpose.’” Although the writer has stated the beginning of the sentence in the writer’s own words, the writer has taken the last part of the sentence directly from Lemanski. The writer must put quotation marks around the language that the writer has taken directly from Lemanski, and the writer must indicate in brackets where the writer has altered the language of Lemanski.

**Structural Plagiarism Illustration:**
The first paragraph contains an excerpt from a fictitious law review article. The second paragraph contains 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.

Comment on the Illustration. The first two sentences in the second paragraph 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 words, 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.
RULE 5: MISUSE OF LIBRARY MATERIALS

(a) To protect your right of equal access to library material, you must reshelve all books and other library materials. Hiding or monopolizing library materials, even for brief periods, is unacceptable. Destroying or defacing any such materials also is prohibited.

(b) You may be violating Rule 2.3 of the Honor Code and this Legal Research and Writing Rule if you:
   (1) hide, monopolize, misshelve, or otherwise abuse library materials.
   (2) know that another student has hidden, monopolized, misshelved, or otherwise abused library materials, but fail to report the other student.

RULE 6: LIMITATIONS ON CONSULTATION

Unless your Legal Writing professor expressly authorizes you to do otherwise, you may not discuss any Legal Writing assignment or the issues raised by the assignment with other students, any faculty member (other than your Legal Writing professor), any outside professional, or anyone else. The work that you hand in must be entirely your own. No one may draft, revise, edit, or proofread your work product. This prohibition applies to all Legal Writing assignments, whether or not the assignment is graded. However, you may obtain assistance in locating or using research materials from the Villanova law librarians. The underlying principle is clear: your work product must be solely your own. If you need guidance on this matter, please speak with your professor before you engage in conduct that others might find questionable. Even the appearance of impropriety could injure your reputation or have other consequences, including disciplinary action.

The Legal Research professors permit students to work in small groups of two or three while completing their first-year legal research homework assignments.
PART III  MEMORANDA

RULE 7: FORM OF MEMORANDA

The contents or sections of any memorandum assignment will be specified by your professor.

(a) Generally. If your professor requires you to submit a hard copy of your memorandum, you must type your memorandum on white opaque paper measuring 8-1/2 by 11 inches in width and length, respectively. Your professor will not accept glossy, Westlaw, or Lexis paper. Type the memorandum on only one side of each sheet of paper.

(b) Margins. Your memorandum must have margins of one inch on the right and left sides. Top and bottom margins must be at least 3/4 of an inch, but neither the top nor bottom margin may exceed one inch. Do not justify the right-hand margin.

(c) Staples. You must hold your memorandum together by a single staple in the upper-left corner.

(d) No Cover or Alternative Binding. Do not cover your memorandum in any manner. Do not use any method of binding other than that specified in subdivision (c) of this rule on any memorandum.

(e) Spacing. You must double-space each line of your memorandum throughout except as otherwise specifically required by the Bluebook or by your professor. You must allow two spaces after the end of each sentence, including each citation sentence.
(f) **Length.** You must not exceed the page limit set by your professor.

(g) **Numbering of Pages.** You must number your memorandum by placing an appropriate number in the center of the bottom margin. The first page should not be numbered, but it is always counted as page 1. Be sure that the font used for the page numbers is the same as that used in the text.

(h) **Font.** You must use the font specified by your professor.

(i) **Citation Form.** The citation form you use in your memorandum must comply with the rules set forth in the most recent edition of the Bluebook or as directed by your professor.

### PART IV – MOTIONS

#### RULE 8: FORM OF MOTIONS

The contents or sections of any motion assignment will be specified by your professor.

(a) **Generally.** If your professor requires you to submit a hard copy of your motion, you must type it. Both the typewritten original and all copies must be on plain white paper measuring 8-1/2 by 11 inches in width and length, respectively. Your professor will not accept glossy, Westlaw, or Lexis paper. Type the brief on only one side of each sheet of paper.

(b) **Margins and Binding.** Leave a left margin of 1 inch on all pages of the motion and a right margin of one inch on all pages of the motion and all supporting and/or accompanying documents. The top and bottom margins on all pages of the motion (as well as all documents supporting and/or
accompanying the motion) must be at least 3/4 of an inch. The page number must be in the margin, in the bottom center of the page. Staple all documents with a single staple in the upper left-hand corner. Do not justify the right hand margin.

(c) **No Covers or Alternative Binding.** Motions must not be covered in any manner. Use only the method of binding specified in sub-division (b) of this rule.

(d) **Spacing.** Double-space the motion and all supporting and/or accompanying documents. Except for headings of more than one line, quotations of fifty words or more, and where your professor requires spacing other than double spacing, allow two spaces after each sentence, including each citation sentence.

(e) **Numbering of Pages.** Page numbers must appear on the bottom center of each page. The first page should not be numbered, but it is always counted as page 1.

(f) **Headings.** Your Legal Writing professor will provide instruction on how you should format the headings in your motion.

(g) **Length.** You must not exceed your professor’s page limit for any sections.

(h) **Font.** You must use the font specified by your professor.

(i) **Citation Form.** The citation form you use in your motion and all supporting and/or accompanying documents must comply with the rules set forth in the most recent edition of the Bluebook, and/or as directed by your professor.
RULE 9: NUMBER OF COPIES TO BE FILED; SERVICE ON OPPONENT

In addition to timely filing your motion papers by email, you must deliver the number of hard copies of your motion papers as required by your professor. If you fail to deliver the correct number of copies to your professor, your failure to do so will affect your grade. In addition, you must deliver one hard copy to your opponent by the time and date designated by your professor. If you fail to make timely delivery to your opponent, your failure to do so will affect your grade.

PART V – ORAL ARGUMENT

RULE 10: ARGUMENT SCHEDULE

Your professor will advise all parties of the time and place for oral argument. You must attend both your practice and your graded oral argument.

RULE 11: NO COLLABORATION ON ORAL ARGUMENT

Unless otherwise instructed by your professor, and except for the scheduled practice argument, you may not collaborate with any student, and you may not receive help from any other person on the preparation for or presentation of your oral argument. Unless otherwise permitted by your professor, you may not practice with your partner other than during your assigned practice argument. In addition, you may not attend the practice or graded oral argument of any other student, regardless of whether that student is in your course section, unless a) you have completed your graded argument(s) and b) the student(s) to be observed consent to your attendance at their argument.
PART VI – RULES OF GENERAL APPLICATION

RULE 12: SUBMISSION OF ASSIGNMENTS

Submit all assignments by hand delivery, or other method specified by your professor or to anyone designated by your professor, by the date and time and at the place designated by your professor.

RULE 13: LATENESS POLICY FOR GRADED MEMORANDUM AND MOTION IN LEGAL WRITING CLASSES

Absent extenuating circumstances, your professor will strictly enforce the deadlines for the graded memorandum and the graded motion (“paper”). Unless your professor has granted you an extension in advance, if you fail to email your paper to your professor by the date and time designated by your professor, your professor will penalize you one grade increment for each hour the paper is late. Please note that the next lowest grade below a C- is a D, and the next lowest grade below a D is an F. Therefore, if your paper would have received a C- but is penalized one grade increment, it will receive a D; if your paper is penalized by two grade increments, it will receive an F. Similarly, if your paper would have received a D and it is late to any degree, it will receive an F. The instances in which the failure will occur are noted in the shaded areas of the tables in this rule. Your professor will determine the penalty for failing to timely deliver any required hard copies, which penalty may adversely affect your grade.

You must use your Villanova email account when emailing your paper. Your professor will use the time received as the time it was delivered, not the time that it was sent.
The lateness policy applies to unexcused lateness. If you receive an extension, or if your lateness is otherwise excused by the Law School or your professor before the deadline for the assignment, then these penalties will not apply.

1. **Papers that are emailed up to one hour late will receive a one-grade increment penalty (e.g., A to A-).** Please refer to the following chart:

<table>
<thead>
<tr>
<th>Grade if on time</th>
<th>Grade with lateness penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>A-</td>
</tr>
<tr>
<td>A-</td>
<td>B+</td>
</tr>
<tr>
<td>B+</td>
<td>B</td>
</tr>
<tr>
<td>B</td>
<td>B-</td>
</tr>
<tr>
<td>B-</td>
<td>C+</td>
</tr>
<tr>
<td>C+</td>
<td>C</td>
</tr>
<tr>
<td>C</td>
<td>C-</td>
</tr>
<tr>
<td>C-</td>
<td>D</td>
</tr>
<tr>
<td>D</td>
<td>F</td>
</tr>
</tbody>
</table>

**Example:** You email your paper 15 minutes late. You will receive a one-grade increment penalty. That is, if you would have received an A, you will receive an A-. If you would have received a C-, you will receive a D.

2. **Papers that are emailed between one and two hours late will receive a two-grade increment penalty (e.g., A to B+).** Please refer to the following chart:

<table>
<thead>
<tr>
<th>Grade if on time</th>
<th>Grade with lateness penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>B+</td>
</tr>
<tr>
<td>A-</td>
<td>B</td>
</tr>
<tr>
<td>B+</td>
<td>B-</td>
</tr>
</tbody>
</table>
Example:
You email your paper 2 hours late. You will receive a two-grade increment penalty. That is, if you would have received an A, you will receive a B+; if you would have received a C, you will receive a D.

3. Papers that are emailed between two and three hours late will receive a three-grade increment penalty (e.g., A to B). Please refer to the following chart:

<table>
<thead>
<tr>
<th>A</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-</td>
<td>B-</td>
</tr>
<tr>
<td>B+</td>
<td>C+</td>
</tr>
<tr>
<td>B</td>
<td>C</td>
</tr>
<tr>
<td>B-</td>
<td>C-</td>
</tr>
<tr>
<td>C+</td>
<td>D</td>
</tr>
<tr>
<td>C, C-, D</td>
<td>F</td>
</tr>
</tbody>
</table>

Example:
You email your paper two and one-half hours late: You will receive a penalty of three grade increments. That is, if you would have received an A, you will receive a B. If you would have received a C, you will receive an F.

4. Papers that are emailed between three and four hours late will receive a four-grade increment penalty (e.g., A to B-). Please refer to the following chart:
Example:
You email your paper three hours and five minutes late: You will receive a penalty of four grade increments. That is, if you would have received an A, you will receive a B-. If you would have received a C+, you will receive an F.

5. **Papers that are emailed between four and five hours late will receive a five-grade increment penalty (e.g., A to C+).** Please refer to the following chart:

<table>
<thead>
<tr>
<th>A</th>
<th>C+</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-</td>
<td>C</td>
</tr>
<tr>
<td>B+</td>
<td>C-</td>
</tr>
<tr>
<td>B</td>
<td>D</td>
</tr>
<tr>
<td>B-, C+, C-, D</td>
<td>F</td>
</tr>
</tbody>
</table>

Example:
You email your paper four hours and fifty-five minutes late: You will receive a penalty of five grade increments. That is, if you would have received an A, you will receive a C+. If you would have received a B-, you will receive an F.

6. **Papers that are emailed between five and six hours late will receive a six-grade increment penalty (e.g., A to C).** Please refer to the following chart:
Example:
You email your paper five hours and fifteen minutes late: You will receive a penalty of six grade increments. That is, if you would have received an A, you will receive a C. If you would have received a B, you will receive an F.

7. **Papers that are emailed between six and seven hours late will receive a seven-grade increment penalty (e.g., A to C-).** Please refer to the following chart:

<table>
<thead>
<tr>
<th>A</th>
<th>C-</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-</td>
<td>C-</td>
</tr>
<tr>
<td>B+</td>
<td>D</td>
</tr>
<tr>
<td>B, B-, C+, C, C- D</td>
<td>F</td>
</tr>
</tbody>
</table>

Example:
You email your paper six hours and forty-five minutes late: You will receive a penalty of seven grade increments. That is, if you would have received an A, you will receive a C-. If you would have received a B+, you will receive an F.

8. **Papers that are emailed between seven and eight hours late will receive an eight-grade increment penalty (e.g., A to D).** Please refer to the following chart:

<table>
<thead>
<tr>
<th>A</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-, B+, B, B-, C+, C, C- D</td>
<td>F</td>
</tr>
</tbody>
</table>

Example:
You email your paper seven hours and one minute late: You will receive a penalty of eight grade increments. That is, if you would have received an A, you will receive a D. If you would have received an A-, you will receive an F.

Any paper is that is more than eight hours late receives an F.

RULE 14: LEGAL RESEARCH AND WRITING COURSE FAILURE POLICY

Competence in the skills of legal research, analysis, and writing depends upon the successful sequential completion of both semesters of the first-year Legal Research and Writing I and II courses, and upon completion of a third semester of Legal Writing. A student who receives an F in the Legal Research component of the course will receive an F in Legal Research and Writing even if the student received a passing grade in the Legal Writing component of the course.

A student who earns a grade of F in Legal Research and Writing I is not considered to have developed the foundational skills necessary to succeed in Legal Research and Writing II and will not be permitted to continue in Legal Research and Writing II until the student has earned a satisfactory grade in Legal Research and Writing I. Instead of continuing in Legal Research and Writing II, a student who earns a grade of F in Legal Research and Writing I must successfully complete the Legal Research and Writing Remediation Program (“Remediation Program”) (described below) during the spring term of the student’s first year. Upon successful completion of the Remediation Program, the student may then repeat Legal Research and Writing I during the fall term of the student’s second year. If the student successfully completes Legal Research and Writing I, as defined below, the student may take Legal Research and Writing II during the spring semester of the student’s second year.

Consistent with Academic Rule 13, a student who is required to repeat Legal Research and Writing I must attain a grade of C or better when the student repeats the
course to graduate from the Law School. Although the Academic Rule states that the student need only take the next exam to make up a required course, the nature of Legal Research and Writing I, as a course consisting of a series of exercises and projects building to a final project, necessitates that the student actually attend class and do all exercises, projects and assignments satisfactorily to enroll in Legal Research and Writing II.

A student who earns a grade of F in Legal Research and Writing II must repeat the course during the spring term of the student’s second year. Consistent with Academic Rule 13, a student who is required to repeat Legal Research and Writing II must attain a grade of C or better when the student repeats the course to graduate from the Law School. Although the Academic Rule states that the student need only take the next exam to make up a required course, the nature of Legal Research and Writing II, as a course consisting of a series of exercises and projects building to a final project, necessitates that the student actually attend class and do all exercises, projects and assignments satisfactorily to enroll in the third semester of Legal Research and Writing.

All students must take a third semester of Legal Writing following successful sequential completion of both Legal Research and Writing I and II. A student who does not successfully complete the third semester of Legal Writing by the last semester of his or her third year of law school will not be eligible to graduate in three consecutive years and will be excluded from law school.

If a student fails either Legal Research and Writing I or II, the student will not be eligible to compete or otherwise be considered for membership on any of the Law School Journals or on the Moot Court Board until the student has earned a satisfactory grade in both Legal Research and Writing I and II, as defined below.

Legal Research and Writing I and II are not prerequisites for either the practical writing or research paper courses; therefore, students who fail either Legal Research and
Writing I or II are permitted to take the required practical writing course and research paper courses at any time during their second or third years of law school.

**Legal Research and Writing Remediation Program**

Before the start of classes in the spring term, each Legal Research and Writing professor will identify any student who has failed the fall term. The Associate Dean for Academic Affairs will notify those students that they are not permitted to take Legal Research and Writing II in the spring term, and instead, must successfully complete the Remediation Program. The Remediation Program will consist of at least four one-on-one coaching sessions with a Writing Specialist that will take place over the course of the spring semester. The student, together with the student's Legal Research and Writing Professor, the Assistant Dean for Academic Support, and the Writing Specialist will identify specific areas of weakness so that the coaching sessions can be tailored to the individual student's weaknesses. Any student who fails to attend the coaching sessions and complete the assigned work by the end of classes for the spring semester will be excluded from the Law School.

**RULE 15: RESEARCH METHODS AND SOURCES**

Unless your professor instructs you to do otherwise, you can use any research source and all methods of research that do not involve improper academic conduct. You are bound by the Honor Code.

**RULE 16: OTHER ASSIGNMENTS**

These Rules and Procedures are not intended to limit the type(s) or number(s) of assignments that may be assigned by your professor. In case of any difference between
these Rules and rules or guidelines specified by your professor, the rules or guidelines specified by your professor govern.

RULE 17: POWER TO PENALIZE

If you violate these or any rules, you may be subject to sanctions including, but not limited to, a failing grade for the course or denial of credit for the course, and possible penalties for violating the Honor Code.