

**VILLANOVA UNIVERSITY
CHARLES WIDGER
SCHOOL OF LAW**

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

Heather D. Baum
Director of Legal Research and Writing Programs

Candace Mueller Centeno
Dan Long
Mitch Nathanson
Luke Repici
Rebecca Scilio
Jane Voegele
Jessica K. Webb
Legal Writing Faculty

Amy Emerson
Law Library Director

John Cannan
Lori Corso
Jason Happ
Robert Hegadorn
Emma Kearney
Amy Spare
Legal Research Faculty

Steven Schultz
Writing Specialist

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RULE 1: SCOPE OF RULES

These rules govern your work in Legal Research, Analysis, Writing, and Communication I & II and Legal Writing III (“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, II, and III courses.

RULE 2: PROHIBITION AGAINST PLAGIARISM

In preparing memoranda, briefs, and other documents and assignments in your Legal Research and Writing courses, 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.

(a) Definition. Rule 2.3(g) 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.¹ 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

¹ *In Legal Writing III (Transactional), follow your professor's instructions about attribution when drafting documents based on forms.*

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, Briefs, 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.

(3) Original Ideas. Taking a few passages or 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 also increases persuasiveness.

RULE 3: LIMITATIONS ON CONSULTATION & COLLABORATION

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. With regard to oral argument, your professor will discuss the parameters for permitted and prohibited collaboration.

On occasion the Legal Research professors may permit students to work in small groups of two or three while completing their first-year legal research homework assignments. Consult with your Legal Research professor before working with others.

RULE 4: LATENESS POLICY FOR GRADED ASSIGNMENTS

In Legal Writing I, your graded email assignment must be submitted by the date and time designated by your professor. If your graded email assignment is late, you earn an F.

In Legal Writing I, II, and III (Appellate), if you fail to submit your graded memorandum, the graded trial brief, or the graded appellate brief (“papers”) 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. These same lateness penalties apply in Legal Writing III (Transactional) if you fail to submit a graded assignment (“papers”) in the manner and time designated by your professor.

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.

When required to email any assignment, you must use your Villanova email account. Your professor will use the time received as the time it was delivered, not the time that it was sent.

An extension will only be granted in exceptional circumstances and the extension must be requested **before** the deadline for submission of the assignment by email. Computer-related issues will not constitute exceptional circumstances, and an extension will not be granted for a computer-related issue, including but not limited to lost documents, computer crashes, or failure to attach the correct document.

If an exceptional circumstance arises and you need to request an extension before the deadline, you must email both the Director of the Legal Writing Program and your Legal Writing professor and you must set forth the basis for your requested extension.

The lateness policy applies to unexcused lateness. If you receive an extension before the deadline for the assignment, then these penalties will not apply until the extension period expires.

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

Grade if on time	Grade with lateness penalty
A	A-
A-	B+
B+	B
B	B-
B-	C+
C+	C
C	C-
C-	D
D	F

Example: You submit 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 submitted between one and two hours late will receive a two-grade increment penalty (e.g., A to B+).** Please refer to the following chart:

Grade if on time	Grade with lateness penalty
A	B+
A-	B
B+	B-
B	C+
B-	C
C+	C-
C	D
C-, D	F

Example:

You submit 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 submitted between two and three hours late will receive a three-grade increment penalty (e.g., A to B).** Please refer to the following chart:

A	B
A-	B-
B+	C+
B	C
B-	C-
C+	D
C, C-, D	F

Example:

You submit 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 submitted between three and four hours late will receive a four-grade increment penalty (e.g., A to B-).** Please refer to the following chart:

A	B-
A-	C+
B+	C
B	C-
B-	D
C+, C, C-, D	F

Example:

You submit 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 submitted between four and five hours late will receive a five-grade increment penalty (e.g., A to C+).** Please refer to the following chart:

A	C+
A-	C
B+	C-
B	D
B-, C+, C, C- D	F

Example:

You submit 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 submitted between five and six hours late will receive a six-grade increment penalty (e.g., A to C).** Please refer to the following chart:

A	C
A-	C-
B+	D
B, B-, C+, C, C- D	F

Example:

You submit 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 submitted between six and seven hours late will receive a seven-grade increment penalty (e.g., A to C-).** Please refer to the following chart:

A	C-
A-	D
B+, B, B-, C+, C, C- D	F

Example:

You submit 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 submitted between seven and eight hours late will receive an eight-grade increment penalty (e.g., A to D).** Please refer to the following chart:

A	D
A-, B+, B, B-, C+, C, C- D	F

Example:

You submit 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 5: LEGAL RESEARCH AND WRITING FAILURE POLICY AND
REMEDIATION PROGRAM**

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 earns an F in the Legal Research component of the course will earn an F in Legal Research and Writing even if the student earned a passing grade in the Legal Writing component of the course.

A student who earns an F on the final graded assignment in Legal Writing I or II fails the course even if the grade earned for the email assignment in the fall or for the oral argument in the spring would result in a higher overall grade.

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 Writing I Remediation Program (described below) during the spring term of the student's first year. Upon successful completion of the Remediation Program, the student will 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.

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. Instead of continuing in

Legal Research and Writing III during the student's 2L year, a student who earns a grade of F in Legal Research and Writing II must successfully complete the Legal Writing II Remediation Program (described below) during the fall term of the student's second year. Upon successful completion of the Remediation Program, the student will then repeat Legal Research and Writing II during the spring term of the student's second year. If the student successfully completes Legal Research and Writing II, as defined below, the student may take Legal Research and Writing III during the student's third 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.

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.

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 the Law School.

Legal Writing I 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 LW I 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 and may also include coaching sessions with Academic support, depending on identified areas of needed improvement. The student, together with the student's Legal Research and Writing professor, the Assistant Dean for Students and 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.

Legal Writing II Remediation Program

Once grades are released for the spring term, each Legal Research and Writing professor will identify any student who has failed the spring term. The Associate Dean for Academic Affairs will notify those students that they are not permitted to take Legal Research and Writing III in their 2L year and, instead, must successfully complete the LW II Remediation Program. The student, together with the student's Legal Research and Writing professor, the Assistant Dean for Students and Academic Support, and the Writing Specialist will identify specific areas of weakness so coaching sessions can be tailored to the individual student's areas of needed improvement. Any student who fails to attend the coaching sessions and complete the assigned work by the end of classes for the fall semester will be excluded from the Law School.