SYLLABUS
Law & Literature Seminar
Course #7800-005/Class #8472
Fall 2011
Professor Debora Threedy

Hours: 3:15- 5:15 Thursdays
Room: Moyle
Office Hours: M-W 3:15-4:15

Class Objective
The goal of this class is to examine the ways in which law and literature are similar and dissimilar. In the course of doing this, we will examine how law appears in literature, but we will also examine law as literature.

The purpose for comparing these two disciplines is both jurisprudential and practical. The jurisprudential purpose is to use this class as an opportunity to consider the big questions of law (for example, What is justice? or What role does law play in creating a good society?) in a setting that is not confined doctrinally. The class will also consider what makes for “good” legal writing, with particular emphasis on judicial opinions, and give you the opportunity to practice writing and to get feedback on the clarity and impact of your written work products.

Text
The text will be made up of assigned readings. These will generally be available on the TWEN site.

First Class Assignment
Please see “Assignment for 8.25” under Course Materials on the TWEN site.

Short Writing Assignment
In addition to the Seminar Paper (see below), each of you will write either a short story, a narrative poem, or a one-act play based upon or inspired by an actual case. You do not necessarily have to dramatize the facts of the case, although you could do so if you chose. For example, students have written stories based on the judge’s struggle to decide the case, the effect the case has on one of the participants or a relative, and the interaction between one of the attorneys and his or her client.

This assignment is meant to be short: five pages, double-spaced, maximum. (If you choose to write a poem, it could be as short as one page.) You will read your work product in class. This assignment is ungraded, but it must be completed to get credit for the course. To see examples from a prior class, look at Utah Legal Fictions (on reserve in the library).

Class Discussion
I expect you to have read the assignments prior to class and to be prepared to discuss the readings in class. You should make a habit of bringing questions or discussion points to class to share with others as your contribution to moving class discussions forward.
Class Presentation
During the final two class sessions (depending on enrollment), each student will make an oral and visual presentation to the class on the subject of their seminar paper (see below). Each presentation will take approximately 10-15 minutes. It will not be possible simply to read your paper, as that would take too long. In addition, each presentation should be accompanied by a powerpoint or similar type of visual aid (a handout is also fine).

Attendance Policy
Due to the importance of class discussion, there is a “no cuts” policy for this seminar. In other words, except for bona fide medical, family or personal emergencies, missing a class will negatively effect your grade. Miss too many classes and you will be academically (i.e., involuntarily) withdrawn.

Accommodation Policy
The University of Utah College of Law seeks to provide equal access to its programs, services and activities for people with disabilities. If you will need accommodations in this class, reasonable prior notice needs to be given to Barbara Dickey, Associate Dean of Student Affairs, and to the Center for Disability Services (CDS) to make arrangements for accommodations. CDS is located at 200 S Central Campus Drive, Union Building Room 162, or you can call 581-5020. All written information in this course can be made available in alternative format with prior notification.

Seminar Paper
Because this is a seminar, it will be necessary for you to complete a substantial research paper. I expect such a paper to be at a minimum twenty pages, double spaced, in length, using 12 point type and standard margins. The paper will be the result of original research in the area of law and literature, and it will be your original work product.

The topic of the paper can be anything related to law and literature. Your first task will be to research potential topics. I will distribute a list of some possible topics, but you are free to choose any topic that fits within the subject matter of this seminar. I am happy to discuss potential paper topics with you one-on-one.

Necessity of a thesis. Your paper topic must include a “thesis.” The thesis could be a question that the paper then answers. Or the thesis could be a proposition that the paper then supports or contests. It is not sufficient for a paper to be merely descriptive.

Three drafts required. I require the paper to go through three drafts. For some of you, this will be the first time your writing has been analyzed in depth since Legal Methods and it may be uncomfortable for you to have your writing criticized. Please understand two things: I am as “brutal” (I prefer “uncompromising”) with my own writing as you may feel I am with yours; in fact, my personal internal editor is assuredly more brutal. Secondly, there is no paper that cannot be improved by editing and rewriting. Professional writers, which category includes lawyers, know that good writing requires multiple revisions. My suggestions and comments are made with the goal of improving your work product; most assuredly they are not made to criticize or question your writing abilities.

Each of the three drafts serves a different purpose:
1) Your goal for the first draft should be to get down on paper the “arc” of your argument. My edit of this first draft will focus primarily upon organization and the completeness of your research and arguments.

2) Your goal for the second draft should be to flesh out your arguments, to make sure the substance of your paper is all there and that it “flows” from one point to the next, and to check your paragraph and sentence structure for readability. My edit of this second draft will focus on sentence and paragraph structure, the presence of roadmaps and transitions, as well as any “holes” in your argument.

3) Your goal for the third draft should be to correct any organizational issues and to polish your writing. I do not edit this final draft, just give it a grade.

Feedback. I edit through a combination of margin notes on the pages of your draft and extensive comments in a document attached to the front of your paper. It is important for you to consult both as you work on the next draft.

I do want to emphasize that each draft is important and should show significant work. There will be consequences for your grade if your first draft is only half-done or if the other two drafts show minimal additional effort. (And nothing makes me grumpier than to discover that you have ignored my comments; you don’t have to follow my suggestions but you need to address my concerns.) At the same time, I can assure you that if you commit yourself to doing a thorough job on each draft and pay attention to my edits you will end up with a paper (and thus a grade) that both you and I will be proud of.

Standards for grading. The grade for the paper will make up the most substantial part of the grade for the course, although I will factor in class participation, the short writing assignment, and the individual student presentations. I will grade the paper on the following:

1) Originality. The paper cannot just “report on” someone else’s research, although a paper that synthesized a number of different sources could satisfy the originality requirement. If you choose a topic and then in the course of your research discover that someone else has already written on that specific topic, come see me and we will brainstorm a new approach to the material.

2) Organization. The paper must be well organized at three levels: overall organization; paragraph structure; and sentence structure. As to overall organization, a twenty-page paper needs to be broken down into sections. There should be an introduction, which provides a roadmap for the entire paper; then a minimum of two or three main substantive sections, each of which has a mini-roadmap pertaining to that section; and a conclusion. (It is possible that one or more of the main sections will need to be broken down into subsections, depending on the needs of your topic.)

At the paragraph structure level, you should avoid what are called “run-on paragraphs.” A paragraph that extends for the entire page is most likely a run-on paragraph. Each paragraph should cover a single topic. As a general rule of thumb, paragraphs should be three or four sentences in length: an introductory sentence that says what the topic of the paragraph is; one or two sentences that discuss the topic; and a concluding sentence that also transitions to the next topic/paragraph.

At the level of sentence structure, avoid run-on sentences. Sentences should be on average no more than twenty-five words long. The subject and verb of a sentence should be in relatively close proximity to each other and are usually located near the beginning of the sentence.

3) Depth of analysis and adequacy of research. Not all papers are the same. It is possible to write a paper for this class that does not make extensive use of legal sources; for
example, I recall a paper where the student contrasted the role and ethical standing of Atticus Finch, the hero-attorney from *To Kill A Mockingbird* with that of the attorney-protagonist from one of John Grisham’s novels. Such a paper might be relatively “lighter” on research, but in that case I will expect greater depth of analysis. The best papers, of course, reveal both wide reading on the topic of the paper (through citation of sources) and a substantive engagement with what others have written on the topic and with the complexities of the topic.

4) **Quality of writing.** This means primarily readability. I am not interested in stylistic differences; I am interested in readable sentences and paragraphs, with very few grammatical or spelling errors, with roadmaps and transitions between parts.

**Due dates.** The due dates for the paper will be as follows:
- One Paragraph Abstract – due Sept. 8
- One or Two Page Outline – due October 6
- **First Draft – due Oct. 20**
- First Draft returned w/comments – Nov. 10
- Second Draft – due Dec. 1 (last day of class)*
- Second Draft returned w/comments – Dec. 20 (last day of exams)*
- Final Draft – due Jan 6*

**Plagiarism.** The question of what constitutes plagiarism can be confusing for law students, because in effect there are different standards for legal memoranda and briefs than for scholarly research papers. Keep in mind that, in the context of research and scholarship, plagiarism is very broadly defined. Plagiarism in this context includes more than merely the unacknowledged appropriation of another’s words, but also the unacknowledged appropriation of another’s ideas or research. If you use a concept, an organizational scheme, a test, or similar ideas from another, you should acknowledge that. (And note that the other person’s idea need not be reduced to writing; if in conversation someone gives you an idea you should acknowledge that.) If you make use of the research someone else has done, you should acknowledge that. In other words, if you first discover a wonderful source in someone else’s footnote, you need to acknowledge that: e.g., “Incredibly Obscure Source, cited in Threedy, supra note 9, at 15n.3.” (Nothing raises red flags for me quicker than seeing someone cite in their paper a source that I know is difficult to discover on your own; it makes me wonder what else the student has “borrowed” from another scholar.) When in doubt, discuss it with me or err on the side of acknowledgment. Please note that I will be using Turnitin to review each of your papers.