

## Appendix D

### UPPER LEVEL RESEARCH AND WRITING REQUIREMENT

#### A. Purpose and Goals

In order to be awarded a JD degree, a student must satisfactorily complete an Upper Level Research and Writing project. This requirement is mandated by accrediting regulations which provide that each student must complete “at least one rigorous writing experience after the first year.” This experience, which involves “writing in a legal context,” must include “legal analysis and reasoning, legal research, and problem solving.”

The Upper Level Research and Writing Requirement is intended to provide students with the opportunity to refine the research and writing skills learned in the first year, and to enhance the skills necessary to undertake writing projects on their own following graduation. Students choose topics, submit outlines, prepare and submit a first draft, and complete the final paper in consultation with faculty members in approved courses and co-curricular programs.

#### B. The Criteria

The upper level writing project should show the student’s mastery of the in-depth research undertaken and demonstrate how the student has organized, clarified, or advanced this body of knowledge in resolving the issues raised by the paper. When certifying that a student has satisfactorily completed the upper level writing requirement, the supervising faculty member is indicating that the student has produced a paper which evidences qualities of legal scholarship, writing ability and craftsmanship.

Each faculty member may establish particular procedures and technical requirements for an upper level writing project to be completed under their supervision, provided that the minimum standards set forth here are met.

1. Preparation of a paper used to satisfy the Upper Level Research and Writing Requirement must include the following steps:

- a. Topic. The student must submit for approval a proposed topic for the project which includes a statement of a thesis for the paper. The topic must be approved by the supervising faculty member and in some classes, such as Appellate Advocacy and Advanced Legal Writing, may be chosen for the student by the faculty member.
- b. Outline. After the topic has been approved, the student must submit a complete outline of the proposed paper which the supervising faculty member will review to provide necessary guidance on scope and/or direction.

- c. First Draft. The student must submit a complete first draft of the paper, including footnotes, for review and comment by the supervising faculty member.
  - d. Final Draft. The student must submit a final draft of the paper which is reasonably responsive to the comments, criticisms and suggestions received from the supervising faculty member.
2. The paper must exhibit substantial, careful and competent research, and it must demonstrate articulate, thoughtful, and well-structured analysis of the subject matter.
- a. The paper must be at least twenty-five pages in length, including footnotes. This assumes double spaced pages using a twelve (12) point Times Roman font with one inch margins all around.
  - b. The paper must include extensive footnotes. The footnotes must comply with either the ALWD or "Blue Book" citation system, as directed by the supervising faculty member. The paper should rely on multiple sources and on primary authority. It may include empirical or other research in addition to more traditional legal research, provided the supervising faculty member approves of the project, and provided the overall tenor of the paper is legal.

### C. Completing the Requirement

The Upper Level Research and Writing Requirement paper may be completed under supervision of a faculty member in the following ways:

1. Satisfactory completion of a paper meeting the criteria in a qualifying course designated in the schedule of classes.
  - a) If the Upper Level Research & Writing Requirement is completed in conjunction with a course, the same course cannot be used to satisfy any of the following curricular requirements: Legal Ethics/Professional Responsibility, Professional Skills or the Experiential Course Units.
  - b) Adjunct faculty may supervise no more than three students at a time in the upper level writing requirement.
2. Satisfactory completion of a paper meeting the criteria in conjunction with a directed research project under supervision of a full-time faculty member.
3. Satisfactory completion of a significant case brief or research memorandum in the USF Criminal & Juvenile Justice Law Clinic or USF International Human Rights Clinic.

4. Completing a publishable note or comment for the USF Law Review which a full-time faculty member Law Review advisor certifies evidences a significant amount of original legal research and analysis. (Note that editorial work, cite checking, and other work of editors or members does not satisfy the requirement.)
5. Satisfactory completion of a paper meeting the criteria in conjunction with 1) the courses Appellate Advocacy or Advanced Legal Writing or 2) Moot Court case counsel course work.

D. Completing the Upper Level Research and Writing Requirement involves a substantial amount of effort. It is often difficult to complete the project in a single semester, and extensions are available in appropriate circumstances with approval of the supervising faculty member and the Law Registrar. Because the project must be completed before a degree is granted, failure to finish the project in a timely fashion may delay graduation and certification of eligibility to sit for the bar examination. Students should be mindful that the supervising faculty member needs time to review the final submission before the project is certified to satisfy the requirement. For that reason, students are advised to begin and complete the requirement prior to the semester in which they plan to graduate.

E. No units or credits are earned by completing the Upper Level Research and Writing Requirement. (If the upper level writing requirement is fulfilled in conjunction with a course, including directed research, units may be earned for the course.) When satisfactorily completed, the upper level writing requirement will be noted on a student's transcript with the designation "credit" ("CR").

F. At the time a student begins an Upper Level Research and Writing Requirement, they must formally "enroll" in the project (in addition to any course or program in conjunction with which the project is undertaken). To enroll, the student must submit the Writing Requirement add form, signed by the supervising faculty member to the Registrar's office by the last day to add classes, as published in the relevant academic calendar. Upon completion of the project, the student must submit an electronic copy of the final draft of the paper to the Law Registrar's Office.

G. In order to receive credit for an Upper Level Research and Writing Requirement, student papers must meet the Competent Requirement in each of the following categories on the Upper Division Writing Requirement Rubric: Thesis / Core Argument; Organization; Argument, Analysis and Reasoning; Language and Mechanics; Support; Citation Format; and Subject Matter. Students will receive credit once the Law Registrar's Office receives both the completed rubric from the instructor showing competency in all areas and an electronic copy of the final draft from the student.

Professor Name \_\_\_\_\_

Student Name \_\_\_\_\_

Semester \_\_\_\_\_

Date Submitted \_\_\_\_\_

Date Graded \_\_\_\_\_

### Upper Division Writing Requirement Rubric

The following rubric has been created to assist all faculty supervising Upper Division Writing Requirements. Students must reach competent for each area described in order to receive credit for their Upper Level Writing Requirement. The rubric is intended as a touchstone for the instructor and as a reference for students while working on the writing requirement. The rubric should be used in tandem with individual feedback specific to the content of the paper

	<b>Below Expectations</b>	<b>Needs Improvement</b>	<b>Approaching Competent</b>	<b>Competent</b>	<b>Advanced</b>
<b>Thesis / Argument: statement, development, originality and insight</b>	There is no discernable thesis / argument.	The thesis / argument is weak, too broad, not clearly presented, or not developed, or is obvious or unimaginative.	The thesis / argument is identifiable but not fully developed or supported.	The thesis / argument is identifiable, developed, and supported.	The paper develops a clear, consistent thesis / argument that is novel or unique and develops fresh insight into the subject or argument.
<b>Organization: structure and flow</b>	The paper lacks a coherent structure, transitions, or unity within paragraphs, or the opening and closing do not match or support the thesis.	The paper's structure is only partially developed, paragraphs are inconsistently cohesive, transitions are sometimes missing or inappropriate, or the opening or closing fail to adequately support the thesis.	The paper's structure is nearing full development, paragraphs are becoming cohesive, many transitions are appropriate, and / or the opening and closing mostly support the thesis.	The paper's structure is developed, paragraphs are cohesive and logically sequenced, transitional words and phrases are used appropriately, and the opening and closing support the thesis.	The paper's structure is fully developed, paragraphs are cohesively and logically sequenced, transitional words and phrases are appropriately used throughout, and the opening and closing clearly support and connect to the thesis.
<b>Argument, analysis, and reasoning</b>	The paper does not lay out a logical argument or analysis in support of the thesis and includes serious deficiencies in reasoning or logic.	Parts of the paper do not adequately support the thesis in a reasoned or logical way. The paper contains material deficiencies in reasoning or logic.	The paper generally supports the thesis but the argument is still not cohesively and logically developed.	The paper generally supports the thesis in a reasoned and logical way, but includes some minor deficiencies.	The argument clearly supports all elements of the thesis.

<b>Language and mechanics: word choice, sentence structure, grammatical accuracy</b>	Word choice is inaccurate or inappropriate for the intended audience, sentence construction is inappropriate, and most sentences are grammatically incorrect or have serious mechanical errors.	Word choice is often wrong or inappropriate for the intended audience, sentence construction is simplistic, convoluted, or frequently inappropriate, many sentences are grammatically incorrect or contain many mechanical errors that in places make them difficult to understand.	Word choice is becoming generally appropriate for the intended audience, sentence structure is developing sophistication, and most sentences are grammatically correct with appropriate punctuation, spelling, and capitalization.	Word choice is accurate and appropriate for the intended audience, sentence construction is controlled and varied, and sentences are grammatically correct with minimal errors and only occasional errors in punctuation, spelling, and/or capitalization.	Word choice is precise and appropriate for the intended audience, sentence construction is controlled, varied, and appropriate, and sentences contain almost no grammatical or mechanical errors.
<b>Support: research, sources, and evidence</b>	The paper includes insufficient use of sources and / or citations to support ideas in writing, the sources have little or no relevance or credibility, or references are not cited.	The paper includes minimal credible and/ or relevant sources to support ideas that are appropriate, but overall evidence is inaccurate, irrelevant, or inappropriate.	The paper generally includes credible and reliable sources, but the sources are not complete, consistent across the paper, well-integrated, and/or appropriate.	The paper demonstrates consistent use of credible and relevant sources that support the argument / analysis appropriately.	The paper demonstrates skillful use of high-quality, credible, relevant sources to develop ideas that are appropriate, and citations are used thoughtfully to support and advance the analysis.
<b>Bluebook citation format</b>	Citations contain many errors.	Citations are inconsistently formatted and / or do not provide necessary information.	Citations are somewhat helpful but lacking in attention to detail.	Citations are largely well-crafted and useful to the reader.	Citations are virtually error free.
<b>Subject matter: mastery of relevant fields (e.g., areas of law, policy, theory)</b>	The paper demonstrates no understanding of the subject matter.	The paper demonstrates minimal understanding of the subject matter.	The paper demonstrates an intermediate understanding of the subject matter.	The paper demonstrates understanding of the subject matter.	The paper demonstrates a thorough and sophisticated understanding of the subject matter.