RACES, ETHNICITIES & THE LAW
VALDES, FRANK

Despite the Civil Rights Movement and its formal affirmation of equality during the last century, race and ethnicity continue to be front-burner issues both in the United States and globally, attracting much political controversy as well as scholarly study. Within the law, "critical outsider jurisprudence" emerged during the late 1980s with the stated purpose of securing social equality based on race, ethnicity, gender, class (and other grounds). This jurisprudence comprised feminist legal theory focusing on gender, critical legal studies focusing on class, queer legal theory focusing on sexual orientation, and others. Over time, a diverse collection of legal scholars elaborated a critical analytical framework to examine the mis/uses of law and policy to allocate power, status and social goods according to identity-based patterns despite a Constitutional commitment to equal justice, protection and opportunity under the law.

During this time, two scholarly movements focused primarily on race and ethnicity – Critical Race theory and LatCrit theory – developed within the broad umbrella of critical outsider jurisprudence. Several characteristics distinguish Critical Race theory and LatCrit theory from other legal studies of race and ethnicity, including the fact that both insist on a "structural" as well as a "critical" analysis of social conditions and power relations affected by race and ethnicity. Following on the heels of the Civil Rights Movement, and learning both from the lessons and limits of that experience, this body of literature seeks to improve the law's understanding of the continuing social and legal impediments to equality based on race and ethnicity. In this course, students will read selected works from Critical Race and LatCrit theorists that span various groups or identities, ranging from African American and Black to Hispanic or Latina/o to Native American, Asian American and others. These works link the "domestic" to the "foreign" and also examine how race and ethnicity "intersect" with other legally relevant identity categories, such as gender, class, sexuality or religion. While diverse in multiple ways, all the assigned works have one theme in common: ending the use of law to perpetuate inequality.

Class sessions will be devoted mostly to discussion of the assigned works, most of which come from the course text, CRITICAL RACE THEORY: AN INTRODUCTION (Richard Delgado & Jean Stefancic, 2001), and CROSSROADS, DIRECTIONS AND A NEW CRITICAL RACE THEORY (Jerome Culp, Angela Harris & Frank Valdes) both of which are available for purchase at the book store. The objective is to become familiar with the basics of this discourse as a whole, and to generate informal but substantive exchanges of views based on students' careful reading of the assigned works. In addition, class sessions, or portions of them, sometimes will be devoted to supplemental materials, video presentations and/or in-class exercises.

Prerequisites: None, but substantial familiarity with Fourteenth Amendment concepts and jurisprudence is significantly helpful.
Menu Requirement: Seminar
Credit(s): 3
Method of Evaluation: Students will be required to (1) research and write a paper on a self-selected topic related to races, ethnicities and the law; (2) write short periodic Reflection Essays based on assigned materials and in-class discussions; and (3) make a class presentation based on the paper project. The final grade will based principally on the paper and oral presentation, but grading also takes into account class attendance and participation throughout the semester.

Races, Ethnicities and the Law

Scholarly Project Guide Sheet

Professor Francisco Valdes

University of Miami School of Law

(FALL 2008)

PREFACE

This Scholarly Project Guide Sheet is designed specifically for the *Races, Ethnicities and the Law* course, which is further described in the Course Description that is duplicated from the Law School registration materials and that is presented on the next page of this Guide Sheet.

This Guide Sheet is intended to help you in the research project that will be the basis of your class presentation and scholarly paper in this seminar. It discusses some of the basic factors that you should take into consideration while working on any scholarly project. Following the Course Description that appears on the next page, this Guide Sheet divides into five sections, each of which focuses on a key aspect of scholarship.

The first section identifies the basic elements of a good paper. The second section provides an overview of the stages involved in the preparation of a scholarly project, culminating in a finished paper. The third sets forth the major segments that make up a scholarly paper. The fourth section discusses the proper usage of footnotes in scholarly papers. The fifth section itemizes a checklist of common writing mistakes that you should be careful to avoid, and concludes with a list of questions that you must resolve before you can consider your paper completed. As a group, these sections should help to give you an overall perspective on scholarship as well as help to guide you through the process.

You should read this Guide Sheet in its entirety at least once, and then refer to it again and again as often as necessary. If you have any questions, please ask them promptly!

RACES, ETHNICITIES & THE LAW

University of Miami School of Law

Professor Francisco Valdes

Course Description

Despite the Civil Rights Movement and its formal affirmation of equality during the last century, race and ethnicity continue to be front-burner issues both in the United States and globally, attracting much political controversy as well as scholarly study. Within the law, "critical outsider jurisprudence" emerged during the late 1980s with the stated purpose of securing social equality based on race, ethnicity, gender, class (and other grounds). This jurisprudence comprised feminist legal theory focusing on gender, critical legal studies focusing on class, queer legal theory focusing on sexual orientation, and others. Over time, a diverse collection of legal scholars elaborated a critical analytical framework to examine the mis/uses of law and policy to allocate power, status and social goods according to identity-based patterns despite a Constitutional commitment to equal justice, protection and opportunity under the law.

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assigned materials and in-class discussions; and (3) deliver a class presentation based on the paper project. The final grade is based principally on the paper and oral presentation, but grading also takes into account class attendance preparedness, and active, constant participation throughout the semester in class discussions.

I.

ELEMENTS OF A RESEARCH PROJECT

At the outset, you must have a clear sense of the four basic "elements" that make a scholarly project impressive and persuasive. Make sure that your paper exhibits each of these four basic elements.

1) The first element is ***Research***. This element is at the threshold of scholarly writing. Through research, you compile a broad and deep knowledge base for your project. Without comprehensive and thorough research, you cannot possibly convey an understanding of your topic. Therefore, do not skimp on research. Review secondary sources as well as primary authorities. Never rely on another author's judgment -- check everything for yourself. Use the computers, including Nexis, as well as the books. Don't limit yourself to the law library or legal works; on the contrary, expand your research into other disciplines. Pick up the phone -- call attorneys that represented litigants in a key case, contact the clerk of the court to access unpublished court files, check with government agencies for relevant data, etc. Also, don't forget to consult with the law librarians -- they can guide you to sources you never dreamed existed. This type of broad-based research will tip you off to the interesting quirks in the law that could provide you with a good focus and angle for your own paper, and allow you to pick the minds of others to enrich your analysis.

2) The second element is ***Organization***. This element pervades the project from beginning to end. At the outset, organization is indispensable to keeping track of your research results. Organization also is crucial to the effective application of your research in composing your paper: good organization allows you to draw on particular points that your research uncovered and to employ those points in strategic places throughout your paper to support your view, analysis, assessment, or conclusion. Good organization facilitates your structuring of your paper's contents in a progression of points. This progression presents each point as it follows logically form the preceding points; each point or section of your paper should build on the preceding ones. The key to good organization therefore is forethought, and constant refinement. In order to be organized, you must have a basic sense of what you're going to do in your paper before you begin to write, and then you must periodically step back from your work to get a perspective on what you're actually doing. This process means that you continually organize and re-organize your work into "issues" or other clusters of points that logically belong together and support or amplify each other. Finally, organization allows you to complete all the tasks necessary to your project in an orderly, professional, and timely fashion.

3) The third element is ***Analysis***. This element is the backbone that holds the paper and project together. Analysis also is the bottom-line substance of good legal writing: it is not "descriptive" writing that merely recounts what the courts said or did, or what other scholars have said about something. Analysis is where your voice enters legal

discourse. Analysis is what you make of the situation. Analysis is the articulation of your thoughts on the topic of your paper. Consequently, analysis tends to be substantially original.

4) The fourth element of a good paper is ***Style***. This element facilitates the reader's comprehension of your paper by presenting the substance of your paper in a clear and consistent way. Proper style emphasizes the use of plain English (rather than legalese) and avoids small (or large) errors due to technical oversights such as typos or punctuation that divert the reader's attention away from your message. Without style, you can annoy or alienate your reader. In short, your substance can be lost because you didn't pay attention to details. Style also demonstrates your capacity to perform your substantive responsibilities professionally.

Each of these elements is crucial to a strong scholarly paper. None of them will automatically seep into the paper. Only your diligence will ensure that your paper reflects each of them. You must train yourself to think of them throughout the *entire* project, and to measure your work-in-progress against each of them periodically. If you do, it will show; if you don't, it will show as well.

II.

STAGES OF A SCHOLARLY PROJECT

A research project is a significant undertaking because it requires you to access, organize, and synthesize large amounts of information in order to produce work product. Consequently, a research project by definition takes time, effort, organization, and discipline. The best way to use your time, focus your efforts, maximize your organization, and reduce the need for discipline, is to be aware of the several "stages" through which you must take your project, culminating in your finished paper. Each stage is presented below in chronological order.

1) The first stage is ***Topic Identification***. At this stage, all you must do is to consider carefully the various topics that are engaging to you. This first stage is important in steering you to an area of the law that will satisfy two criteria: the topic must be appropriate and it must sustain your interest in your project. A topic is "appropriate" if it is relevant to the course and if is both sufficiently substantial to support a paper and sufficiently narrow for you to develop it fully in your paper: so, don't pick a skimpy topic that you will have to stretch out in order to satisfy the page requirements nor a mammoth topic that will be unmanageable given the page limitations. Additionally, avoid a topic in which you have no particular interest, because otherwise you will find yourself dragging, procrastinating, and cutting corners. In short, you will be undermining yourself. So, take the time up front to identify two or three "appropriate" potential topics that appeal to you instinctively, and that will make the many hours and brain cells that you will be spending on it and with it seem at least somewhat enjoyable.

2) The second stage is ***Exploratory Research***. At this stage, you look into your two or three potential topics to make sure that they are substantive enough to warrant the project that you envision. Your exploratory research generally requires that you conduct preliminary investigations of secondary sources on the two or three potential topics that you identified as being of interest to you. Basically, you must check the Index of Legal Periodicals, the relevant legal encyclopedias, and the computer databases to see what sources relevant to the topic already exist. Then, you must scan some of these sources to get an idea of the topic's substance: what is the state of the law, what current problems exist, what have others already written on issues of special interest to you? Through this process, you winnow your two or three potential topics down to a single actual topic. Now, you have a research topic and you have a general sense of the research resources available to you on it.

3) The third stage is ***Focused Research***. At this stage, you move from secondary sources to primary authorities: you begin to compile and review the statutes or cases relevant to your topic. Your research at this point should take you into the various statutory or case law digests, the ALR annotations, and cross-referencing systems like Shepard's. In reading the statutes and cases, you should being to formulate a "focus" and "angle" for your project. The "focus" of your paper simply is the specific issue or problem within your general topic on which you will be concentrating. The "angle" of your paper is simply your opinion, argument, position or thesis about the issue or problem that is your focus. Having a focus is extremely important because it guards you against frolics into distracting tangents; a scholarly project addresses a relatively specific point thoroughly and comprehensively rather than superficially surveying a

bunch of various points. Having an angle is equally important because it keeps your project tied to a message; a scholarly project does not merely describe, report, or regurgitate what others already have written on the subject -- it sets out to say something new, even if not earthshakingly new.

4) The fourth stage is ***Outlining***. In this stage, you organize the results of your research around your focus and your angle. Remember, your focus is the specific issue or problem addressed in your paper, and your angle is your position or thesis as to that specific issue or problem. Basically, your outline should be structured to quickly and unambiguously convey the focus of your project to the reader, and to acquaint the reader immediately with your particular argument, opinion, thesis, or "message" regarding that focus. Your outline should also help you to organize the contents of your paper so that each section follows the preceding ones logically, and to spot any special organizational problems that your topic may present. During this stage, you also may discover gaps in your research. If so, you need to amplify your research in order to resolve any doubts or concerns that your outlining brings to your attention before regarding the outline as finished.

5) The fifth stage is ***Composing***. At this stage, you compose the initial draft of your paper based on your outline. In effect, this stage requires you to transform your outline into formal prose, complete with introductions and transitions. However, you cannot consider your prose final in any sense of the word as yet. Remember this: There is no such thing as good writing; there is only good re-writing. So, at this stage you are still trying to make sure that your organization of the paper flows smoothly and progressively. At this stage, you should not find any more research gaps; however, if you do, you need to resolve them before you move on to the next stage.

6) The sixth stage is ***Substantive Editing***. At this stage, you need to review your initial draft for one purpose only: to ensure that your analysis is substantively coherent, internally consistent, and conceptually clear. This stage is concerned with problems of organization, clarity, and relevance. At this point, you effectively modify, refine and finalize the structure initially devised in your outline. Therefore, you should re-write sentences, re-structure paragraphs, and re-organize sections in order to make sure that the analysis that you present is cogent and compelling, and that, therefore, your angle, argument or message is persuasive. At this stage you also check to make sure that the placement and contents of your footnotes complement your text properly, and that the contents of each footnote are appropriate, accurate, and complete.

7) The final stage is ***Technical Editing***. At this stage, you need to check the basics of the paper. Pay careful attention to distracting foibles regarding grammar, style, and spelling. Make sure that your point headings and sub-headings throughout the paper are formatted consistently and attractively. And, do not sleight the Bluebook: make absolutely sure that each and every part of each and every footnote is properly styled according to Bluebook form.

If you follow each of these stages methodically and deliberately, your project will be thorough, in-depth, focused, provocative, persuasive, and delightful. And, not coincidentally, your research and writing skills will be greatly enhanced. Finally, your grade will reflect your efforts.

III.

SEGMENTS OF A SCHOLARLY PAPER

A good scholarly paper is structured into six basic segments that are signified by point headings. Within the body of the paper, the "discussion" segment may be sub-organized into sections or sub-sections with corresponding point headings. Though the organization and sequence of sections and sub-sections necessarily depend on the particular contents of your paper, the six basic segments apply to all papers. While you should not feel constrained by any sense of formalism in the structure or organization of your paper, you must make sure that your covers or addresses the function of each segment described below; while your paper need not be organized in any particular way, including the way presented below, it must contain contents that fulfills the functions associated with each of the basic segments described below.

The following summary of each segment includes an **ESTIMATE** of the pages that you may consider devoting to each section of your paper. These estimates are calculated to produce a well-balanced paper with 25-50 pages, including footnotes but excluding the title page, the table of contents, the table of sources and authorities, and the supplemental bibliography. These estimates are also just that: estimates. Consider them, but do not feel constrained by them.

Please consider the following:

1) The first segment is the ***Title Page, Table of Contents, and Table of Sources and Authorities***. As its name implies, the title page is devoted to the title of the paper, including your name and the date your paper was finished. The Table Contents should itemize every section or sub-section of your paper to correspond with all the point-headings and sub-headings that you include in the body of the paper. The Table of Sources and Authorities should list all the cases, statutes, articles and other sources that you cite in the text. These three (or more) pages always are presented in the opening of the paper in order to introduce it to the reader.

> *Page estimate:* 3 pages or more, depending on the contents and authorities. [NOTE: THE PAGES DEVOTED TO YOUR TITLE PAGE, TABLE OF CONTENTS, AND TABLE OF SOURCES AND AUTHORITIES ARE NOT INCLUDED IN THE PAGE COUNT FOR YOUR PAPER.]

2) The second segment is the ***Introduction***. In this segment of the paper, you should open with a "lead" that immediately captures the attention and interest of the reader. Following the lead, you should briefly introduce your general topic and state your thesis, or angle. Here, you must state your thesis explicitly and forthrightly. The thesis simply is a statement of your bottom line proposition: your thesis states your analysis or argument in a nutshell (a couple of sentences or so). Crafting a thesis statement is a delicate task; it may take you several attempts -- indeed, you should find yourself refining your thesis as you refine your thoughts and finalized your paper. However, a well-articulated thesis statement at the beginning of the paper is absolutely essential to a finished work product: make sure your paper includes one. To aid you in composing your thesis statement, consider the four-part formula outlined below and the example

provided with it, and then try to fill in the blanks with your own ideas for this segment of your paper:

> **The thesis of this paper is that** [1-identify or describe the issue or problem] **is due to** [2-state the sources or causes of the problem] **and can be rectified by** [3-articulate your solution to the problem] **because** [4-explain your reasoning].
>
> Example: **The thesis of this paper is that** the subordination of women **is due to** the way in which reproductive policy elevates majoritarian "morality" over individual choice **and can be rectified** only by federal legislation guaranteeing freedom of reproductive choice **because** only federal protection can safeguard against the historic and continuing efforts of states and localities to restrict access to contraception and abortion.

Of course, this formula and example is only a guide. Use it to help you develop a thesis statement that clearly, fully, and accurately reflects your ideas but don't let this formula constrain you from experimenting other ways of structuring your thesis statement. The main point is that your thesis, however structured, contains the four parts of the formula: 1) identify or describe the issue or problem, 2) state the sources or causes of the problem, 3) articulate your solution, and 4) explain your reasoning.

However you structure your thesis statement, this section should close with an explicit section-by-section listing and summary of your paper's contents, and the order in which they follow, as a means of helping to orient the reader's expectations of your paper's structure and evolution. In other words, provide a road map for the reader. Then, of course, make sure that you stick to it!

Page estimate: 2-5 pages.

3) The third segment of the paper is the ***Background***. In this segment, you present the reader with all of the general information needed to comprehend your analytical discussion of your topic. This section generally presents a historical summary, key legal rules or doctrines, and any important considerations regarding policy. Consequently, this section may be more *descriptive* than analytical or critical -- it should present an overview of, or the status quo in the area you have researched. In effect, this section sets the stage for your more detailed substantive discussion.

Page estimate: 6-10 pages.

4) The fourth segment is the ***Discussion***. Here, you *analyze* the substance of the law in light of the background already presented. This discussion should be the most detailed. It also is the most “original” – presenting *your* point of view based on your research and what you have told the reader in the preceding segments of the paper. This section is the where you present your angle, where you argue your thesis, where you strive to persuade the reader that your take on the problem is correct. Consequently, this section by definition is substantially original -- it should present

something that you have thought, rather than something you have researched. This section thus sets up the concluding segment of the paper.

Page estimate: 15-30 pages.

5) The fifth segment is the ***Conclusion***. In this section, you have one purpose: tell the reader what you think ought to be done about the problem that you have researched, identified, presented and analyzed. Therefore, do not conclude with a mere repetition of what you already stated; instead, present a *forward-looking* recommendation or proposal to help resolve (or at least improve) the problem(s) that you identified and discussed in the preceding parts of your paper. In other words, the conclusion should move beyond the descriptive "background" and analytical "discussion" of your topic so that you leave the reader with a sense of future direction, or closure, regarding the problem(s) you addressed in your paper. Though the recommendation(s) that you present in your conclusion need not be wholly original, they can be; reflect on what your educated instincts suggest to you, and trust your reasoned sense of judgment.

Page estimate: 2-5 pages.

6) The sixth and final segment of your paper is the ***Supplemental Bibliography***. In this segment, you should list additional works that are relevant to the general area of your topic, but which you did not use in your footnotes. However, you need not be exhaustive. In fact, you should be quite discriminate: the purpose of this bibliography is to direct interested readers toward the leading sources for further research, so you should *carefully select* the leading ten or so books, articles, or other works that you think represent either "classic" or "cutting edge" works of scholarship not already included in your footnotes.

Page estimate: 1 page. [NOTE: THE PAGE DEVOTED TO YOUR SUPPLEMENTAL BIBLIOGRAPHY IS NOT INCLUDED IN THE PAGE COUNT FOR YOUR PAPER.]

IV.

NOTES ON FOOTNOTES

Students sometimes do not have a clear idea of the proper usage of footnotes, and thus mistakenly assume that a hefty sprinkling of citations throughout the paper somehow makes the work product better. Not so. In fact, burdensome footnotes are just as problematic as superficial footnotes: both distract the reader by prompting questions in his or her mind about your sources or authorities, and both consequently detract from your credibility and persuasiveness.

In order to minimize the distractions created by improperly situated or crafted footnotes, you must carefully calculate the purpose of each and every footnote that you consider including in your paper. Accordingly, the notes that follow are intended to give you a general understanding of proper footnoting practices. You should implement these practices in your paper, and ask me if you have any specific questions that are not addressed here.

Footnotes serve five primary functions in legal scholarship. Remember: *Each time you think of including a footnote in any particular spot in your paper, you must ask yourself whether any of these functions would be served by such a footnote. If not, skip the footnote. If so, make sure that you craft the footnote to serve such purpose(s)* -- use appropriate signals, sources, etc.

Additionally, you also must ensure that you do identify each point in your text where a footnote is needed. Though the placement of footnotes is not an exact science, a general rule of thumb is that you must take care to include an appropriately crafted footnote wherever one of these five functions calls for it -- don't leave gaps in your footnoting that distract the reader and that detract from your credibility and persuasiveness. The five functions are:

1) The first function is ***Attribution:*** Each and every time that you use or refer to an idea or statement that you derived from someone else, you must attribute that idea or statement to that person. This function allows the original author to be recognized, and allows the reader to access that source for further readings. Also, failure to attribute is called plagiarism. Sometimes, you may derive an idea or statement directly from the source, and other times you may derive it indirectly -- either you are replicating the source's previous work or proposition, or you are extrapolating from it. In order to signify the distinction to the reader, you must use the Bluebook's introductory signals carefully and deliberately. Refer to the current edition of the Bluebook for the rules regarding footnote signals.

2) The second function of footnotes is ***Support:*** Whenever you assert a proposition that is even mildly controversial, you must find an "authority" to help support the credibility or persuasiveness of your assertion. Sometimes an authority is simply another commentator that is generally recognized as an expert. Other times it might be a court or statute, a survey or report, a news account or some other record. As with attribution footnotes, support footnotes sometimes rely on direct support and other times on indirect support -- sometimes the source provides on-point support and other times the source suggests or indicates support. Therefore, in order to properly fulfill the support

function of a footnote, you must employ the introductory "signals" that the Bluebook provides.

3) The third function is ***Amplification:*** Oftentimes, your discussion might benefit from an "aside" comment that would be too distracting if included in the text. In these instances, you should insert a footnote in order to explain, qualify, or otherwise supplement your discussion. This function of footnotes allows you to tie loose ends implicit in your discussion, and to address considerations that are important to your topic, but perhaps beyond the scope of your immediate analysis. Footnotes that serve this function also demonstrate to the reader that you have carefully reflected on your topic. However, do not attempt to avoid difficult issues that are critical to your focus or angle by pretending (or hoping) that a mere footnote will substitute for textual discussion. This type of dodging is usually transparent and will seriously undermine the coherence of your analysis.

4) The fourth footnote function is ***Backgrounding:*** Frequently, you will find that various commentators have expressed views that are neither necessary to your discussion nor necessary to tie up loose ends flowing from your discussion. However, those views might present alternative ways of looking at your topic, or they might present general background information that an interested reader or future researcher would be interested in accessing. In those instances, you should footnote to such sources. This function lends credibility to your work by demonstrating that you are familiar with the various works of others that touch on your topic, and also facilitates the reader's broader understanding of your topic's general area.

5) The fifth is ***Cross-referencing:*** A well-structured paper employs paragraphs and sections that build on each other in logical progression. Consequently, you should find yourself discussing points in various parts of your paper that were introduced earlier, or that are developed later. In those instances, footnotes that cite to "supra" or "infra" are appropriate. This function helps the reader to understand the connections between the various parts of your paper, and thus aids the comprehension of your discussion.

V.

SELF-EDIT CHECKLIST

This checklist touches on some of the more common oversights that undermine the effectiveness of a scholarly work. The checklist is intended to make sure that your finalized work product hangs together as one whole. Thus, the checklist focuses your attention successively on three considerations: 1) the text of your paper; 2) the inter-relationship of your text to your footnotes, and; 3) the footnotes. The checklist then poses a set of final questions that you should be able to answer to yourself affirmatively before you can safely consider your paper to be finished.

As you will note, the checklist covers technical sloppiness as well as structural and substantive shortcomings. It is not, however, intended to be exhaustive, and it certainly is not intended to replace your own initiative. Every author is responsible for the integrity of her or his work, so use this checklist merely as a support device for your own efforts.

The Text

- Make sure that grammar, punctuation, and spelling are correct.
- Use the active rather than passive voice whenever possible.
- Long quotations should be used sparingly. Readers tend to ignore them. Unless absolutely necessary, long quotes should be substituted with paraphrasing.
- Pare long or convoluted sentence structures.
- Correct inconsistent or imprecise word usage, especially when dealing with terms of art.
- Delete repetitive words and sentences.
- Substitute "legalese" and technical jargon with plain English whenever possible.
- Weed out useless expressions such as "the nature of" or "the fact that."
- Make sure that subjects and verbs agree.
- Repair ambiguous pronouns.
- Excise sexist or similar references. (Remember that all references to group identities should start with a capital letter, i.e., "Black" or "African American" or "Asian American" or "Native American" or "Chicana/o" or "Latina/o" or "Gay" or "Lesbian" or "Bisexual" and so on.)
- Maximize economy of words -- reduce verbosity as much as possible without losing the meaning of the text.
- Select your words carefully -- make sure each word you use actually means what you intend to communicate and, if uncertain, use your dictionary.
- Make sure your paragraphs are not overly lengthy.
- Streamline your paragraph structures to make then tightly knit.
- Make sure that each section of your text is introduced with a point heading or a sub-point heading.
- Make sure that the contents of each section are well-organized in order to assist the reader's comprehension of your work.
- Minimize your use of humor; it is generally inappropriate in formal writing, so make sure that you don't overdo it, and that your use of humor truly is in good taste.

The Inter-Relationship of Text and Footnotes

- Make sure each footnote is situated and crafted so as to serve the function(s) that prompted you to place it there.
- Make sure that each footnote is in the best position to give maximum effect to the function(s) it is supposed to serve.
- Make sure an appropriately crafted footnote is included at each spot within your text that

should be supported by a footnote.

- Check that each proposition in the text that needs support is supported by a footnote, and each footnote accurately supports the position for which it is cited.
- Each quote, case, or statute must have a corresponding footnote, include where appropriate a "pin point cite" (a specific reference to the exact page or pages in which the quote appears, for example).
- Make sure each source actually says what you think it says.

The Footnotes

- Check the page and volume and section numbers of EVERYTHING. If you run into a difficulty that you tried without success to resolve, ask for help: NEVER LEAVE LOOSE ENDS FOR "LATER."
- Check the introductory signals; they indicate the strength of authority for the proposition and should be used precisely.
- Include parentheticals if they are needed -- most cites to a case should include a parenthetical.
- Each cite MUST be in proper Bluebook form -- double check to make sure they are throughout your entire paper.
- Check your supra, infra, and id., cross-references, which are important but frequently a problem.
- Check that underlining is used where appropriate.
- DON'T assume you know the Bluebook answer. Remember that it's a sign of good character to NOT remember the Bluebook answer, so don't skimp on checking and double-checking as often as may be necessary.
- In using the Bluebook, always refer to the "examples" provided in the inside front cover and the first page and, if that fails, check the "index" for the particular point that you are researching and go directly to the page indicated.
- In using the library, don't be shy about asking for assistance from the reference librarians, who are extremely knowledgeable and helpful with research, and in helping to locate sources through the Inter-library Loan Program.
- In conducting all of your research, make sure to exploit all the resources available to you: use computer data bases, go to other libraries, and don't forget the most basic research tool of all -- pick up the phone and reach out to someone with important information or knowledge.

Final Questions to Ask Yourself

Below are a series of final questions that you should use as a checklist before turning your paper in to me. Review each of these questions carefully, and "check" each one that you are able to answer with a confident "yes" until all of the questions are checked off. When you are able to "check" them all, you are done -- but not before!

___ Are all important concepts explained fully and clearly?

___ Are substantive points expressed lucidly throughout both the text and the footnotes?

___ Are the themes of your discussion well-developed, or does the discussion contain gaps that leave you wanting more information or further elaboration?

___ Are the stages of your analysis presented in logical order, so that each builds on, and adds to, the preceding stages?

___ Are any internal inconsistencies or contradictions left unresolved?

___ Are sentences clear and concise, or are they overly extended and weighed down with pretentious terminology, excessive technical jargon, or redundant words and phrases?

___ Are words, phrases, or sentences that present unnecessary information and that clutter the paragraph or interrupt the flow of your discussion removed?

___ Are the paragraphs coherently structured, so that each presents an idea introduced by a topic sentence and concludes with a transition to the next paragraph?

___ Are your title page, table of contents, table of authorities, and supplemental bibliography, and the sections (or sub-sections) properly formatted and well organized?

___ Are all the footnotes designed and situated to serve at least one of the functions identified above?

___ Are the contents of all the footnotes substantively accurate and complete?

___ Are all the footnotes in proper Bluebook form, including pinpoint cites, introductory signals, parenthetical information, parallel citations, and the like?

Finally, remember that this Scholarly Project Guide Sheet works best when you retain it and refer to it periodically while you are developing your scholarly project. Use this information diligently *now* to help you develop your research and writing skills BEFORE you enter the professional world of law practice. ***GOOD LUCK!***

RACES, ETHNICITIES & THE LAW: A SEMINAR

Class Presentation Evaluation

Professor Francisco Valdes

STUDENT _____ TOPIC _____

1) *Mandatory Advance Materials:*
   Timeliness and Quality of Outline or Summary, Thesis Statement, Table of Authorities, and Related Materials.

2) *Format of Presentation:*
   Poise; Communication of Subject Matter; Organization of Presentation; Effective Engagement of Class in Presentation; Instigation and Development of Class Discussion; Responsiveness to Calls Questions.

3) *Research:*
   Informative as to Law and Policy on Topic; Evidence of Research and Forethought; Use of Research in Presentation.

4) *Analysis:*
   Appreciation and Presentation of Particular Problems or Issues Relevant to Topic; Consideration of Law and Policy.

5) *Recommendations or Solutions:*
   Attempts at Resolution of Law or Policy Issues; Approaches and Adequacy of Suggested Recommendation(s).

6) *Additional or Miscellaneous Comments: (Also check Reverse Side).*

RACES, ETHNICITIES & THE LAW: A SEMINAR
Scholarly Paper Evaluation

Professor Francisco Valdes

STUDENT _____ TOPIC_____

1) COMMUNICATION- EFFECTIVENESS AND QUALITY **COMMENTS**

a. *Organizational Structure of Paper:* progressive development of topic's background, legal issues, policy themes, and analytical discussion, ending with conclusion and recommendations.

b. *Writing Style and Paper's Format:* proper grammar, spelling, sentence and paragraph structure; use of point headings, sub-point headings, etc.

c. *Use and Citation of Authority:* use of sources to attribute, support or explain propositions, to expand discussion of secondary considerations, and to refer readers to supplemental materials; correct Bluebook form.

2) RESEARCH- BREADTH AND DEPTH **COMMENTS**

a. *Comprehensiveness of Research:* Display of familiarity with applicable law and leading scholarly writings.

b. *Supplemental Bibliography:* Inclusion of appendix to paper that lists additional readings of interest.

3) ANALYSIS- THOROUGHNESS AND CLARITY **COMMENTS**

a. *Internal Consistency:* statement of thesis; logic and reasoning that develops and supports thesis; conceptual clarity of thesis and supporting discussion.

b. *Quality of Thoughtful Reflection:* consideration of legal rules and rationales in light of competing values; evaluation of relative merits of conflicting social/legal considerations.

Note: Check for Additional/Miscellaneous Comments on Reverse Side