

# GUIDE TO COLUMBIA LAW SCHOOL J.D. WRITING REQUIREMENTS

## I. Introduction

All J.D. students must complete two writing requirements in their upper years for graduation: the major and minor requirements. This Guide explains these requirements and the ways that they may be satisfied.

Both the major and minor writing requirements involve supervision by a full-time, adjunct, or visiting member of the Columbia faculty who has agreed in advance to serve as the student's supervisor for the written work ("the Faculty Supervisor"). Note that only an individual holding an instructional appointment may serve as a Faculty Supervisor. Students must register separately for each requirement. Registration may be done electronically through Lawnet.

### A. The Major Writing Requirement

The distinction between the "major" and "minor" writing requirements is not the length of the written work. Rather, the most important difference between the major and minor writing requirements is that **the major writing requirement involves an iterative process**: The student must submit a complete draft of the written work to the Faculty Supervisor. After receiving detailed feedback from the Faculty Supervisor, the student must revise the work in response to the feedback and submit a final draft to the Faculty Supervisor. The requirement is not satisfied until the Faculty Supervisor has reviewed and approved the final draft.

A student may register for the major writing requirement any time after the first year of law school, but all students must obtain the agreement of a faculty member to act as Faculty Supervisor **and register for the major writing requirement by the end of the Add-Drop period of their fifth semester** (typically the fall of their third year). Written work submitted in satisfaction of the major writing requirements **must be completed by the first day of the month preceding the month by which the student anticipates graduating**.

### B. The Minor Writing Requirement

In contrast, the minor writing requirement does not involve this iterative process. A student is not required to revise a written work submitted for minor writing credit, although the Faculty Supervisor has the discretion to ask for additional drafts. As with the major writing requirement, the Faculty Supervisor is expected to provide detailed feedback on written work submitted for minor writing credit.

A student may register for the minor writing requirement any time after the first year of law school, but **must** obtain the agreement of a faculty member to act as Faculty Supervisor and **register for the minor writing requirement by the end of the Add-Drop period of their sixth semester** (typically the spring of the third year).

As with the major writing requirement, written work submitted in satisfaction of the minor writing requirements **must be completed by the first day of the month preceding the month by which the student anticipates graduating.**

### C. The Writing Requirements and Academic Credit

**It is important to note that no academic point credit is awarded for completion of the major and minor writing requirements; rather, students simply receive a notation on their transcripts that they have satisfied these graduation requirements.** As discussed more fully in Part III below, students may satisfy the writing requirements in connection with academic offerings for which students do receive point credit. With the approval of the instructor, a student may satisfy a writing requirement with work undertaken in connection with a course or seminar,<sup>1</sup> supervised research, supervised experiential study, or as an unpaid faculty assistant. In each case, the student must register for the writing requirement separately from and in addition to the academic offering. The only exception to this is for offerings that indicate writing for the course automatically satisfies the minor writing requirement. Even in such a course, the student will have to fill out a digital form identifying the course as the one the student wants to use to fulfill the minor writing requirement.

Thus, to earn academic point credit for written work submitted in satisfaction of the major and minor writing requirements, students may enroll in a course that satisfies one of the writing requirements and obtain the instructor's approval to act as Faculty Supervisor for the major or minor writing requirement; or they may register separately with the Faculty Supervisor for Supervised Research or Supervised Experiential Study, or as an Unpaid Faculty Research Assistant. The processes for doing this are described in Part III below.

## II. The Academic Rules for Satisfaction of Major and Minor Writing Requirements

The academic rules concerning the two writing requirements are set out in the Appendix. This section contains a summary of key provisions of these rules.

### A. Major Writing Requirement – conditions and types of written work that may qualify

Academic Rule 1.4.2 sets out three conditions for the major writing requirement:

- 1) The work must be a substantial and rigorous piece of legal writing on a topic approved in advance by a faculty member who has agreed to act as Faculty Supervisor;
- 2) The work has been submitted in draft to the Faculty Supervisor, who has provided comments on the draft, and a further version of the paper has been produced which is responsive to those comments; and

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<sup>1</sup> In particular, 3-credit "tutorial seminars" are specifically designed for students who want to undertake a significant writing project, so this is an excellent way to satisfy the major writing requirement.

3) The work has been approved by the Faculty Supervisor as satisfying the first two conditions.

Academic Rule 1.4.2.5 sets out the following guideline for work submitted in fulfillment of the major writing requirement:

“[S]ubstantial and rigorous” refers to work comparable to that required by a paper that serves as the primary basis of evaluation for a 2-credit seminar (e.g., approximately 6500 - 8000 words). A shorter paper reporting extensive empirical, archival or like work, however, could also qualify as substantial and rigorous.

The Academic Rules do not restrict the type of writing that may be used to satisfy the major writing requirement. Thus, in addition to a research paper, professional legal writing may satisfy the major writing requirement, provided it meets the condition of being a “substantial and rigorous piece of legal writing.” Examples of writing projects that may satisfy the major writing requirement are: a student note (written for or independently of a journal); a paper submitted in a 3-credit “tutorial seminar” or other seminar paper fully developed to satisfy the requirement; a brief, memorandum of law, or other rigorous litigation document; a transactional document involving significant original work and analysis; or writing generated from work as a faculty research assistant, such as substantial writing for a faculty member’s book, post-conviction advocacy, empirical project, etc.

The Academic Rules further provide that written work may satisfy the major writing requirement even though “it, or an earlier version of it, is also submitted for a grade in a course, seminar, workshop, supervised study, or externship.” In addition, a work submitted to or accepted by a journal for publication may be used to satisfy the major writing requirement. However, “editorial work, cite-checking, etc. for law reviews and other journals shall not be sufficient in itself to satisfy the Writing Requirement.”

The Academic Rules leave it to the Faculty Supervisor’s discretion to determine whether written work submitted to satisfy the major writing requirement meets the above conditions and guidelines. **It is therefore very important to discuss with a prospective Faculty Supervisor *in advance* the faculty member’s requirements and expectations.** For further discussion, see Finding a Faculty Supervisor, Section IV below.

### **B. Minor Writing Requirement – conditions and types of written work that may qualify**

Academic Rule 1.4.5 sets out the following conditions for the minor writing requirement:

“The Minor Writing Credit may be earned by an ordinary course paper, or brief, or other written work under the supervision of a faculty member. It may be earned at any time during the second or third year.”

The Academic Rules provide the following as non-exclusive examples of written work that may be used to satisfy the minor writing requirement:

- Research as an unpaid faculty assistant . . . if conducted under a faculty member’s active supervision and if the supervising faculty member so recommends.
- Service on the staff of the Legislative Drafting Research Fund, if the director of the Fund so recommends.
- Participation as counsel in the autumn term elimination rounds or spring term final rounds of the Harlan Fiske Stone Honor Competition, if the brief is certified as satisfactory by the director of the moot court program.

The Academic Rules leave it to the Faculty Supervisor’s discretion to determine whether written work submitted to satisfy the minor writing requirement meets the above conditions and guidelines. **It is therefore very important to discuss with a prospective Faculty Supervisor *in advance* the faculty member’s requirements and expectations.** For further discussion, see Finding a Faculty Supervisor, Section IV below. Examples of writing projects that may satisfy the minor writing requirement are all of the examples listed in Section II.A above for the major writing requirement, and in addition: a paper written for any law school class with instructor permission; a seminar or clinic paper for a course in which minor writing credit is automatically awarded; and briefs or motions written in conjunction with internships or externships.

### **III. Earning Academic Credit in Addition to Satisfying the Major or Minor Writing Requirement**

As noted above, although the major and minor writing requirements are graduation requirements, they do not carry academic point credit. However, students may earn academic point credit in conjunction with satisfaction of the major or minor writing requirement in three ways:

1) enrollment in a course (including a doctrinal, clinical, simulation, or policy lab offering; an externship; or a workshop) for which the faculty member has agreed in advance to act as the student’s Faculty Supervisor and allow written work submitted in satisfaction of the course to satisfy the major or minor writing requirement;

**Note that some courses automatically satisfy the major or minor writing requirement, and these courses may be found by applying the filter in the Curriculum Guide. Even so, you must confirm that the instructor is willing to be your Faculty Supervisor and register separately for the writing requirement.**

2) registration for Supervised Research or Supervised Experiential Study, for which the faculty member has agreed in advance to act as the student’s Faculty Supervisor and allow written work submitted in satisfaction of the Supervised Research or Supervised Experiential Study credit(s) to satisfy the major or minor writing requirement;

3) registration as an Unpaid Faculty Assistant, for which the faculty member has agreed in advance to act as the student’s Faculty Supervisor and allow written work submitted in satisfaction of the Unpaid Faculty Assistant credit(s) to satisfy the major or minor writing requirement.

- Academic Rule 1.5 sets a combined credit cap for Supervised Research and Supervised Experiential Study. No more than 3 credits in a semester or 4 credits for the year may be earned. Thus, for example, if a student earned 3 credits in the fall semester for Supervised Research, the student would be limited to 1 additional credit for *either* Supervised Research or Supervised Experiential Study in the spring semester of that academic year.
- Academic Rule 1.6 sets a cap of 2 credits that may be earned in an academic year as an Unpaid Faculty Assistant.

**Note the following credit limits for Supervised Research, Supervised Experiential Study, and Unpaid Faculty Assistant:**

#### **IV. Finding a Faculty Supervisor**

Because a faculty member must agree in advance to be the Faculty Supervisor for work used to satisfy the major and minor writing requirements, it is important to begin thinking early about whom to ask to fill this role. There are several ways to do this.

The simplest method is to enroll in a course for which the instructor assigns written work that may be used to satisfy the major or minor writing requirement. The Curriculum Guide contains a filter for finding courses that satisfy one or both writing requirements. However, even if the Curriculum Guide contains this indication, you must consult with the instructor and obtain the instructor's consent, *in advance*, to serve as Faculty Supervisor for the major or minor writing requirement. Even if the Curriculum Guide does not contain this indication, you could ask the instructor whether you may adapt the written work you prepare for the course to meet the requirement. Once you obtain this permission, you may register for the major or minor writing requirement for the course on Lawnet. **You should begin thinking as early as possible about interesting upper-year courses you could take to satisfy the writing requirements.**

It is also possible to satisfy the major or minor writing credit independently of taking a course. As described above, students typically do this in conjunction with registration for Supervised Research or Supervised Experiential Study, or as an Unpaid Faculty Assistant.

The following are important considerations in finding a Faculty Supervisor:

##### **1. *Start the process as early as possible.***

Faculty members have many commitments and can take on only a limited number of students for writing supervision. In addition, it is possible that a faculty member with whom you are interested in working will be on leave during all or part of your second or third year.<sup>2</sup> If you have a faculty member in mind, it is best to approach the faculty member

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<sup>2</sup> Adjunct faculty and visiting professors may serve as Faculty Supervisors for the writing requirements. However, many adjunct and visiting faculty members have appointments for just a single semester, e.g., the fall but not the

about possible supervision as early as possible. This can even be in the summer after your first year. Your summer work experience may generate ideas that you can develop into interesting writing projects.

***2. Become familiar with faculty members' research, teaching, and areas of practice expertise, and use this information as a basis for reaching out about writing supervision.***

It is generally more rewarding for a faculty member, and more beneficial to the student, if the student's proposed writing project is connected to the faculty member's areas of scholarly, teaching, or professional interests or experiences. It is also easier to approach a faculty member about possible supervision if you can show a logical reason for having sought out that faculty member.

***3. Build on the academic relationships you have already established.***

Other things being equal, a faculty member who already knows you from a course, committee, organization, or other law school activity is more likely to agree to work with you than one who does not know you. It is easier to build upon academic connections you already have than to "cold call" someone. This is true even if the academic relationships are in their infancy.

***4. Be persistent (within reasonable limits).***

If a faculty member does not respond to your initial outreach about possible writing supervision, do not necessarily take that as a "no." The faculty member may simply be caught up with other commitments. Wait a reasonable period of time, and then follow-up once more. After a second unsuccessful attempt, it is probably best to move on.

***5. Be prepared.***

To some extent you need to "sell" a prospective Faculty Supervisor, particularly one who does not already know you, on your proposed writing project. Come to an initial conversation well-prepared with a clear idea of the writing you want to do under the faculty member's supervision. For example, approaching a faculty member with a vague idea, e.g., "I really liked Constitutional Law and would like to write a paper about some current constitutional issue," is not likely to help your cause. Approach a meeting with a prospective Faculty Supervisor as you would a job interview, with clearly thought-out ideas and goals.

***6. Be familiar with the Faculty Supervisor's requirements and supervision style.***

Because the Academic Rules leave so much to the discretion of the Faculty Supervisor, faculty members have a variety of individual styles and requirements. Some may be very hands-on and set out intermediate draft deadlines and meeting schedules for you, while

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spring term, or vice versa. If you would like an adjunct or visiting faculty member to be your supervisor you should discuss with the adjunct or visitor his or her availability to supervise you in in the non-teaching term.

others may be non-directive and ask you to set your own timelines. Some may require you to submit outlines and sequenced drafts of individual sections of the writing project, while others will not have such requirements. Some may impose word and page requirements, while others will not.

If your writing project is also being prepared as a note for a law journal, be aware that your Faculty Supervisor may provide feedback or have requirements that you will need to meet that differ from the journal's editing process. And particularly if you are assisting with the faculty member's own project, the faculty member may have strict externally imposed requirements that you will need to meet. As much as possible, you should try to find a Faculty Supervisor whose expectations are compatible with your own learning style.

### ***7. Be clear about your own expectations.***

It is important to communicate clearly to a Faculty Supervisor your own expectations for the collaboration. For example, if your writing project will be submitted to a journal for possible publication, you will need to inform the Faculty Supervisor of any editing deadlines imposed by the journal so that the Faculty Supervisor can set aside time accordingly. But again, be aware that the Faculty Supervisor may have requirements in addition to those of the journal, and you will need to satisfy those as well. You should also be proactive. If you submit a draft to the Faculty Supervisor and do not receive any response or feedback within a reasonable period of time, you should follow-up (politely) and remind the Faculty Supervisor that you need feedback so that you can begin working on a revision. Similarly, if you need to meet with the Faculty Supervisor to obtain guidance or suggestions, do not be afraid to follow-up if you do not receive a response to an initial request to meet.

## **V. ABA Requirements and “Double-Counting of Credits**

The ABA precludes “double-counting” of credits that are used to satisfy ABA graduation requirements. The most relevant of these are the ABA writing, experiential, and professional responsibility requirements. Because the ABA mandates one writing requirement beyond the first year of law school, one of the CLS writing requirements – major or minor – *must* be used to satisfy the ABA requirement and *may not* be earned in a course the student is using to satisfy either the experiential or professional responsibility requirement. The second CLS writing requirement – major or minor – *may* be earned in a course the student is using to satisfy the experiential or professional responsibility requirement. For questions about this, please contact Registration Services.

## **APPENDIX**

### **CLS Academic Rules for Upper Year Legal Writing Requirements**

1.4.1 Two Writing Credits are required to satisfy the J.D. Writing Requirement, at least one of which must satisfy the requirement for Major Writing Credit. No more than one of these credits can be earned in a course that is used to satisfy the experiential course work requirement set out in Rule 1.1.5.

1.4.2 A piece of written work (“the paper”) shall satisfy the Major Writing Requirement only if it fulfills all of the following conditions:

- 1.4.2.1 The paper is a substantial and rigorous piece of legal writing on a topic approved in advance by a faculty member who has agreed to act as Faculty Supervisor;
- 1.4.2.2 The paper has been submitted in draft to the Faculty Supervisor, who has provided comments on the draft, and a further version of the paper has been produced which is responsive to those comments;
- 1.4.2.3 The paper has been approved by the Faculty Supervisor as satisfying conditions 1.4.2.1 and 1.4.2.2
- 1.4.2.4 The Faculty Supervisor shall be a member of the regular or clinical or adjunct or visiting faculty.
- 1.4.2.5 In this paragraph, “substantial and rigorous” refers to work comparable to that required by a paper that serves as the primary basis of evaluation for a 2-credit seminar (e.g., approximately 6500 - 8000 words). A shorter paper reporting extensive empirical, archival or like work, however, could also qualify as substantial and rigorous.

1.4.3 A paper meeting the three conditions set out in 1.4.2 may satisfy the Major Writing Requirement even though:

- 1.4.3.1 it, or an earlier version of it, is also submitted for a grade in a course, seminar, workshop, supervised study, or externship. Seminar instructors will advise students at the beginning of the semester whether they are willing to act as Faculty Supervisor so that the students' seminar papers can also satisfy the Writing Requirements;
- 1.4.3.2 it has been submitted to or accepted by a journal for publication. Editorial work, cite-checking, etc. for law reviews and other journals shall not be sufficient in itself to satisfy the Writing Requirement.

1.4.4 Students must obtain the agreement of a faculty member to act as Faculty Supervisor and register for the Major Writing Requirement not later than the end of the Change of Program Period of their fifth semester.

1.4.5 The Minor Writing Credit may be earned by an ordinary course paper, or brief, or other written work under the supervision of a faculty member. It may be earned at any time during the second or third year.

1.4.6 Written work sufficient to satisfy the Minor Writing Credit includes, but is not limited to:

- 1.4.6.1 Research as an unpaid faculty assistant under Rule 1.6, if conducted under a faculty member's active supervision and if the supervising faculty member so recommends.
- 1.4.6.2 Service as a paid legal assistant on the staff of the Legislative Drafting Research Fund, if the director of the Fund so recommends.
- 1.4.6.3 Participation in the second year as counsel in the autumn term elimination rounds or spring term final rounds of the Harlan Fiske Stone Honor Competition, if the brief is certified as satisfactory by a faculty member and the Moot Court Executive Committee.

1.4.7 Students must obtain the agreement of a faculty member to act as Faculty Supervisor and register for the Minor Writing Requirement not later than the end of the Change of Program Period of their sixth semester.

1.4.8 All written work submitted in satisfaction of the Major or Minor Writing Requirements must be completed by the first day of the month preceding the month by which the student anticipates graduating. Any such work that is also submitted to fulfill any other degree requirement must also satisfy Rule 3.3.