MEMORANDUM

TO: Prospective Advanced Legal Research and Writing Students

FROM: Walter A. Wright

RE: Applied Research Project for Advanced Legal Research and Writing Course

DATE: July 16, 2013

I. Policy for enrollment in Advanced Legal Research and Writing course

Before enrolling in the Advanced Legal Research and Writing course, you must select a general topic for an Applied Research Project (ARP), research the topic, prepare a research notebook that organizes your research materials, prepare an issue or position statement for the ARP, prepare a preliminary outline of the ARP, prepare a first draft of the ARP, and obtain my approval of that draft. If I believe your first draft demonstrates that you will be able to complete the ARP in a single semester, I will approve you for enrollment in the Advanced Legal Research and Writing course. Prerequisite courses for enrollment in the Advanced Legal Research and Writing course are Legal Research and Legal Drafting; you must obtain a grade of B or above in each of these classes.

II. Reasons for and history of implementing the policy

The ARP is an important research and writing assignment. It is a major component of the Advanced Legal Research and Writing course, but only one of three assignments. When I taught the course for the first time in the Fall 1998 semester, many students commented that the other legal research assignments distracted them from working on their ARPs. Some students indicated that if they had been given advance notice of the ARP requirement, they would have
begun work on it before the class began. Other students indicated a desire to turn in multiple drafts of their ARPs for review during the semester they took the Advanced Legal Research and Writing course. Still others expressed a concern that one semester simply is not enough time to write an ARP.

Based on student input, I reduced the number of assignments in the course, and I implemented a policy that required students to submit outlines of their ARPs before enrolling in the course. The policy succeeded for a while, but students then began to have the same old problem of not completing their ARPs in one semester. In fact, many students enrolled in the course two, three, or four times before completing their ARPs.

In 2004, I decided to require each prospective student in the Advanced Legal Research and Writing course to complete a draft of an ARP for my review prior to enrolling in the course. This policy was an attempt to provide more time for student research and writing, to offer more opportunities for professor input, and to make the Advanced Legal Research and Writing course a more-enjoyable experience for everyone. Perhaps even more important, the policy enabled more students to complete the ARP in a single semester.

As of the date of this memorandum, I am completing my fifteenth year of teaching the Advanced Legal Research and Writing course. The general system of writing a first draft of an ARP prior to enrolling in the course works for some students but is a major challenge for others. Some students asked me to offer a course that requires them to do the necessary preparatory work in a more-structured way. As a result of these students’ requests, I proposed and received approval of such a course, Issues and Problems in Law (POSI 5373), which I taught for the first time in the Summer 2009 semester. This course offers students the opportunity to receive course
credit for preparing a literature review, selecting a legal issue for the ARP, writing an outline, and preparing a first draft of the ARP.

Now there are two methods of preparing for the Advanced Legal Research and Writing course. The "traditional" method remains (i.e., preparing a first draft of an ARP by working informally with me on your own time). The "new" method is successfully completing Issues and Problems in Law (POS 5373).

III. The traditional method of complying with the policy

A. Select a topic to research

You are free to write your ARP on any topic in the law, so long as it is a topic of current interest to courts or administrative agencies. The best way to find a current topic is to generate a set of research terms about your general area of interest and then do an intensive search on Westlaw for A.L.R. annotations and law review articles that discuss your research terms. Other good sources of current legal topics are Continuing Legal Education (CLE) materials prepared by the various sections of the State Bar of Texas. Most law libraries have complete sets of these CLE materials, and the Texas State library has a limited amount of the materials. If you have a problem selecting a general topic, please contact me. Ultimately, you must narrow your topic to a legal issue that an attorney could submit to a court or an administrative agency for a decision.

B. Begin your research

Do a "literature review" of your topic by reading about it in A.L.R. annotations, legal periodicals, CLE materials, and treatises and other books. Be adventurous and use the "non-legal" databases available to you online through the Texas State library. The latter databases can be useful sources of background information (and scholarship from other fields) about your topic.
You can make an appointment with a university librarian to learn how to use the “non-legal” databases. Ask me for help if your research involves a type of legal or other authority you did not study in Legal Research, or if you run into any other kind of problem.

C. Prepare a research notebook

As you do your research, read and follow the suggestions in the article written by Dr. Patricia Shields, entitled "Essential Elements of the Notebook Method for Writing Papers" (Attachment 1). Prepare a research notebook in accordance with Dr. Shields’s guidelines. Many students, instead of preparing “paper” notebooks, prepare “electronic” notebooks on their computers (backed up on flash drives) with separate folders for each type of information Dr. Shields suggests. Other students store their notebooks “in the cloud,” and others use a combination of two or more storage methods. Either method or combination of methods is acceptable. You can also make any changes necessary to adapt the guidelines to a notebook containing legal research (e.g., create separate tabs or folders for statutes, regulations, cases, and commentary).

D. Prepare an issue or position statement

Once you are generally familiar with your topic, begin to think of a legal issue you want to discuss. For purposes of the ARP, a “legal issue” is one you could submit to a state or federal court or administrative agency for decision. Your ARP may be an informative or advocacy document. If you decide to write an informative paper, you should prepare a statement of the legal issue you will discuss. If you decide to write an advocacy paper, you should prepare a statement of the position you will advocate. You must discuss your legal issue or position statement with me before you begin preparing your ARP outline.
E. Prepare an outline of your ARP

Prepare a preliminary outline of your ARP. In doing so, follow the suggestions of Dr. Patricia Shields, which you will find in Appendix 2 of her article. If you have any problems, contact me.

F. Send your outline to me for review

After you draft your outline, please send it to me as an e-mail attachment (my e-mail addresses are on the last page of this memorandum). I will either approve your outline or suggest changes. If you have trouble preparing an outline, we may need to meet in person to discuss it.

G. Prepare a first draft of your ARP

After I approve your outline, prepare a first draft of your ARP. If you have questions about what an ARP should look like, sample ARPS are available online at the “Program Resources” page for the Legal Studies Program on the Texas State website (http://www.polisci.txstate.edu/degrees-programs/graduate/Legal-Studies/LS-Student-Resources.html).

H. Send the first draft of your ARP to me

There is a hold on enrollment in the Advanced Legal Research and Writing course, so you will not be able to enroll unless I approve the first draft of your ARP. Send me the first draft of your ARP as an e-mail attachment as soon as you are able. If I believe you will be able to complete the ARP in one semester, I will approve your enrollment in the course.
I. Policy on working with students on their ARPs between semesters

I will have conversations, e-mail exchanges, and meetings with students about their ARPs only during the course of a semester. If you plan to enroll in the ALRW course:

(a) you must receive my approval of a topic idea at least four weeks before the end of the semester preceding the semester in which you intend to enroll;

(b) you must receive my approval of an ARP outline at least two weeks before the end of the semester preceding the semester in which you intend to enroll; and

(c) you must submit a first draft of an ARP to me at least one week before the last day of late registration for the semester in which you intend to enroll.

Between semesters, I will not respond to telephone calls, e-mail messages, or requests for meetings about ARP topics, outlines, or drafts. The only thing I will do between semesters is review one draft of a student’s ARP to decide whether I believe the student is prepared to enroll in the ALRW course, but I will review that draft only if the student follows all the other steps I have outlined in this memorandum. This policy applies to each break between each semester.

I will make no exceptions to this policy for anyone. If you want to have a substantive exchange with me about an ARP, please talk to me, send an e-mail to me, or meet with me during a semester, and keep in mind the deadlines I have set out. If you plan to enroll in a fall ALRW course, the preceding summer semester is when you should begin meeting the deadlines. If you plan to enroll in a spring ALRW course, the preceding fall semester is when you should begin meeting the deadlines.
IV.  The new method of complying with the policy

Any time after you successfully complete the basic Legal Research course, with a grade of B or above, you may enroll in Issues and Problems in Law (POSI 5373). There is a hold on this course to ensure you successfully complete the Legal Research course before enrolling, but that is the only reason for the hold. If you successfully complete the Issues and Problems in Law course, you will have an acceptable first draft of your ARP at the end. When you successfully complete the course, I will lift the hold on the Advanced Legal Research and Writing course for you.

V.  ARP requirements

A.  Legal issue

Your topic must concern a legal issue. As stated above, a “legal issue” is one you could submit to a state or federal court or administrative agency for decision. Your issue should concern constitutional, statutory, or administrative law provisions, rules of civil or criminal procedure, or case law. Politics, sociology, and theology are interesting, but they are not the subject of the Advanced Legal Research and Writing course.

B.  Informative and advocacy options

You may write an informative document in the nature of a law review article or law office memorandum. In the alternative, you may prepare an advocacy document in the nature of a law review article, a motion, or a brief.
C. Length

The ARP must be 20-25 pages in length, excluding footnotes or internal citations. Each page must be double-spaced and use a 12-point font. Footnotes may be in a 10-point font, if you wish.

D. Grading standard

The grading standard may be higher than any you have previously experienced. Your ARP will be evaluated on both substance and style. Everything will count, including organization, clarity of expression, grammar, spelling, and adherence to Bluebook and Greenbook form. My expectation is that your ARP will be one of the best papers you ever write, one you will proudly show to anyone as an example or your best research and writing skills.

E. Sample ARP assignment

Attachment 2 is an example of the ARP assignment that you may receive when you take the Advanced Legal Research and Writing course.
VI. **Professor’s contact information**

If you have any questions or comments, or if you need help with anything, please contact me through one of the following means:

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<tr>
<th>Offices:</th>
<th>UAC 327 (personal)</th>
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<td></td>
<td>UAC 355 (Political Science)</td>
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<tr>
<th>Direct telephone lines:</th>
<th>(512) 245-2138 (San Marcos)</th>
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<tr>
<td></td>
<td>(512) 292-1944 (Austin) (please use sparingly)</td>
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<td></td>
<td>(512) 743-4941 (cell) (please use sparingly)</td>
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<tr>
<th>Political Science line:</th>
<th>(512) 245-2233 (Administrative Assistant, Legal Studies Program)</th>
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<tr>
<th>Fax lines:</th>
<th>(512) 245-7815 (San Marcos)</th>
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<tr>
<th>E-mail:</th>
<th><a href="mailto:ww05@txstate.edu">ww05@txstate.edu</a> (San Marcos)</th>
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<tbody>
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<td><a href="mailto:levwripc@flash.net">levwripc@flash.net</a> (Austin)</td>
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ATTACHMENT 1

(DR. PATRICIA SHIELDS INFORMATION)
Essential Elements of the Notebook Method
For Writing Papers

Patricia M. Shields
Southwest Texas State University

The Notebook Method is designed to manage elements of the paper writing process. This method transforms writing a paper into managing a project. Project management involves organizing time, materials and ideas. The notebook method addresses all three organizational issues. There are three overall steps to this process. First, a three ring binder is obtained. Second, relevant material particularly notes on articles and books are organized in the binder. Third, an outline which integrates references from the notes is prepared.

One: Three Ring Binder

Often students work on their paper in different places (library, home office, kitchen table, parents home, office, hotels while traveling) and different times. They also have to keep track of a variety of information (names of articles to get, people to contact, books to read, notes to take, outlining, first draft, editing, paper deadlines, computer disks, web addresses). At a basic level, the notebook keeps all this “stuff” in one place—in a portable, three ring binder with flaps on the side. When all the necessary "stuff" is in one place, it is relatively easy to put the project aside for a week or several months and then pick it up again when time permits. This is particularly useful for faculty who must interrupt their research and grade papers or prepare lectures. When the notebook is well organized the start-up time is minimal.
Two: Organizing the Binder

Much of the remaining discussion involves how to organize the binder. It is important to note that the organization is suggestive. The notebook is a tool of inquiry. The product (or final paper) of the inquiry is the point. The notebook is an instrument which can be modified to fit each project and scholar's idiosyncrasies, strengths and weaknesses. The organization below works for me and has been used successfully with countless students.

Time Management

In the first part of the notebook a things-to-do list is developed. As students develop their things-to-do or task list they are planning the necessary steps to complete the paper. The things-to-do list dissects the project into smaller manageable blocks of time and tasks. Possible tasks on the list include locating titles of books or articles, finding the articles in the library and finding and locating materials on the internet. Most importantly, the list keeps track of the articles or book chapters that must be read and written up as notes.

The things-to-do list is a project planning tool because it forces the scholar to specify the activities/tasks that must be accomplished in the near future. When the student/scholar has some extra time they can be directed by the list. Valuable time is saved because they do not have to re-think where they are in the process each time they begin working on the paper. Twenty minutes at lunch can be used to read a short journal article.

The heart of an effective literature reviews is doing the background reading and taking careful notes over the relevant literature. Most items on the things-to-do list should be reading and note taking of particular articles/chapters. Ninety percent of my things-to-do list headings begin with either read or write. I number the items on the
things-to-do list and when the task is accomplished cross out and date the item. This practice results in a record or work log.

Students can also keep a calendar in this section. The calendar connects to events in their larger life and includes important paper deadlines.

Articles/Books to Find

In another section of the notebook, keep a list of the articles, books or documents that need to be found. In this section, include the references that are found through various sources such as citation indices. If there is a print-off of sources put that in the notebook and circle the best sources. The bibliography of an existing article is another likely source for references. Just jot down the reference in the “to find” section.

Other Related Material.

Another section of the notebook can be devoted to miscellaneous, useful information. This may include important phone numbers, e-mail or correspondence.

Running Bibliography

As the paper progresses keep track of the references. Work on the bibliography as the notebook builds. Keep a computer file labeled “Bibliography” which lists the bibliographic entry’s as they progress. Entering five references on the bibliography can be included in the things to do list.

Organizing the Notes

In another section, keep the notes on the articles and books read. The notes can be hand written or taken on the computer. If taken on the computer, they can be cut and pasted directly into the draft paper. Each page of notes should include the last name of the author, the year the article was written and the page number. The article page
numbers are in the margin and correspond to the relevant material. The author(s)
name(s) and article date should be placed at the top of the page. If copied word for
word quotations should also be indicated. Finally the notes should be sorted in the
notebook alphabetically by the last name of the author(s).

The nature of the notes often evolve and depend upon where the student is in the
process. For example, if the topic is very new, notes are often detailed. The less an
individual knows about a subject the more notes they need to take. Early in the process
the research question is seldom formed. The extensive detailed notes enable a search for
focus. As the note taking process continues, it is easier to decipher what is relevant for
the paper at hand. Also, as a student is further along in the process, the student may
begin to make connections or have useful insights. When this happens, it is useful to
distinguish the journal article information from the student's thoughts. I use a different
color pen or a larger bolded font within the notes themselves. Some students create a
new section labeled journal where they log this kind of information.

I usually copy journal articles themselves and file the article away when the notes
have been taken. Students often create a separate section for the copied journal articles.
Articles are again sorted in alphabetical order by author's last name. It must be
emphasized that a well highlighted article is no substitute for careful notes. (See Appendix 1
for examples of notes.)

Three: Integrated Outline

Outlining is a critical element of professional writing. (See Appendix 2 for an
element of an outlining technique). There are many ways to prepare and brainstorm to
create an outline for a paper. The key element which ties to the notebook method is the
integration of the notes into the outline. Once the outline is finished, the student should
read through all the notes that are sorted alphabetically by last name of the author.
When a reference is useful, it should be inserted (author, year, page) into the outline
with perhaps a key word or phrase. This ensures that all of the literature has been reviewed before the writing begins. It is best to leave lots of space to insert the references. Also, the process should be flexible. Often while reviewing the notes, it becomes obvious that the outline is incomplete. If so, revise the outline. The outline like the notebook is a tool of inquiry and should be modified as needed.

I have an image which resonates with students when I discuss the notebook method. It is of a student in front of a computer with lots of books and articles all over the place. Piles are everywhere-- on the floor, on the table. Books are on top of books which are on top of articles. The frantic student is muttering "where is that reference anyway?" The systematic integration of the literature into the outline reduces the likelihood that this scene will occur (at least as often and with as much panic). Also, the integration of the articles into the outline can be done in relatively small bits of time.

When all the notes have been integrated into the outline the student scholar is ready to write the paper. The actual writing process often goes smoothly because the paper is organized and the necessary sources located.
Appendix 1

Example Notes for an Article and a Book

This is a Journal article

Segal and Verdugo
1994  AFS

"Demographic trends and Personnel Policies as Determinants of the
Racial Composition of the Volunteer Army"
(title not always necessary)

619 This is an important article because it suggests that the Army is not really
dependent on demographic trends when one considers its composition

Rather Personnel policy is the key

Hence in the paper I could argue that fatherlessness is a big society problem
which may not be a big problem for the Army because the army will be able to
screen out many of the problems through personnel policy.

"The composition of the army from year to year is more responsive to military
personnel policy than to these labor force changes."

620 "We suggest that organizational personnel policies and practices are more
influential in shaping the racial composition of the army than are
demographic changes."  KEY FINDING

621 Interesting chart which looks at the phases of the AVF by conditions of
recruitment  vbls included recruitment resources, educ benefits, pay etc.

624 useful charts that link the accessions by race and compares it with laborforce
participation by race 73-92. Different rates of accessions (Bl v Wh ) are
clearly unrelated to laborforce participation-- they make arguments that they
are related to personnel policies. or phases that have a constelation of policies
associate with them.

625 Note in 1973 &1992 the % of black accessions were virtually the same 20%

627 this is not the case when examining end strength 31% This is because blacks
are more likely to reenlist and make the military a career.

GOOD tables lots of demographic data for reference purposes

628 Discusses what Gilroy Phillips and Blair later discuss... "Enlistees of average
mental aptitude are more likely to enlist for skill training, while above
average enlistees join for ed benefits...the army segments its recruiting on
this basis." They worked out a strategy to allure the college bound-if go for 2
years and go into combat arms then get money for college -- result of this
policy has been blacks moving out of the combat arms specialities since they
are less likely to be college bound. (EX of personal policy that worked)

IMPT ARTICLE!!!
This is a Book

Dewey 1938

Logic the theory of Inquiry (title not always necessary)

iii PREFACE This book is linked to How We Think which briefly summarized many of the themes and applied them to educ.

"attention is called particularly to the principle of the continuum of inquiry, a principle whose importance, as far as I am aware, only Peirce had previously noted."

"The basic conception of inquiry as determination of an indeterminate situation not only enables the vexed topic of relation of judgement and propositions to obtain an objective solution, but, in connection with the conjugate relation of observed and conceptual material, enables a coherence account of the different propositional forms to be given."

Key specifies early the connection between the observed and the conceptual and how this approach to inquiry enables coherence

"The word 'Pragmatism' does not, I think occur in the text. Perhaps the word lends itself to misconception....But the proper interpretation of 'pragmatic,' namely the functions of consequences as necessary tests of the validity of propositions, provided these consequences are operationally instituted and are such as to resolve the specific problem evoking the operations, the text that follows is thoroughly pragmatic."

Here Dewey clearly states that although "pragmatism" is not used in the text this approach is pragmatic

Gives explicit credit to Peirce

1 CHAPTER 1 THE PROBLEM OF LOGICAL SUBJECT-MATTER

Spends time justifying why what he is developing is "logic" discusses traditional logic.

3 "any statement that logic is so-and-so, can, in the existing state of logical theory, be offered only as a hypothesis and an indication of a position to be developed."

conditions that the hyp must satisfy 3 conditions
Appendix 2

Developing an Outline

Make at least two outlines of the paper. Begin the outline with a brainstorming list. What ideas, facts, critical points, concepts, hypotheses, should be included in the paper? Let your mind run free. Be creative. Then, review the list. Write a sentence or two which indicates the purpose of your paper. Review the list in light of the purpose. Adjust the list to take into account your purpose. Now begin the first draft of the outline (major headings).

A pattern should emerge from the list. There will be natural groupings of topics. The first and last major heading are obvious; Introduction which includes the paper’s question or purpose and Conclusion or Summary. The other major headings will be developed from the groupings in the brainstorming list. Try and come up with a broad category that will describe the groupings. The broad categories become the subheadings of the first draft of the outline. Consider the order of the subheadings in light of the purpose.

The second draft is more detailed. It should include the items from the brainstorming list that fit together. Leave plenty of room between items on the outline. When the second draft is complete begin integrating material from the notes into the outline.
ATTACHMENT 2

(ARP ASSIGNMENT FOR THE SPRING 2013 COURSE)
ADVANCED LEGAL RESEARCH AND WRITING
APPLIED RESEARCH PROJECT ASSIGNMENT

I. Details of the Assignment

A. In General. The Applied Research Project (ARP) is one of the most important documents you will prepare as a candidate for a Master of Arts degree with a major in Legal Studies. Not only will it constitute eighty percent of your grade in Advanced Legal Research and Writing, it will also be a major focus of the oral examination you must pass prior to graduation. A copy of your ARP will be kept with your colleagues’ ARPs, the American Bar Association reviews the ARPs periodically, and you may want to use your ARP as a writing sample. Therefore, you will want the ARP to be an example of your best work.

B. Requirements. The requirements for all ARPs are:

1. Legal issue. The primary focus of your ARP must be a legal issue, not a political, moral, religious, or philosophical one. Your article may contain a discussion of politics, morality, religion, or philosophy, but it must relate to your legal issue. For purposes of this course, a legal issue is an issue that could be presented to a federal or state court or administrative agency for decision.

2. Informational or advocacy. You may write an informative document in the nature of a law review article or law office memorandum. In the alternative, you may prepare an advocacy document in the nature of a law review article, a motion, or a brief.

3. Length. The ARP must be 20-25 pages in length, excluding footnotes or internal citations. Each page must be double-spaced and use a 12-point font. Footnotes may be in a 10-point font, if you wish.

4. Citations. All citations, whether in the body of the ARP or included in footnotes, must comply with Bluebook and Greenbook form.

C. Grading standard. Advanced Legal Research and Writing is a graduate-level course. In your professor’s opinion, students taking a graduate-level course should be responsible adults who are committed to producing a quality work product. Graduate students should know the rules of English grammar. They should be superior spellers and know how to use the spell-check function of their computers. Graduates of the Legal Studies Program at Texas State are expected to write well; therefore, the grading standard for this course is high. Everything counts: substance, style, grammar, spelling, and citation format. Be committed to quality or be prepared to suffer adverse consequences. One possible adverse consequence is that you will fail your oral examination because your ARP is of poor quality. If the oral-examination committee does not approve your ARP, it can require you to make revisions, submit a revised draft, and take another oral examination before approving you for graduation.
II. ARP Drafts

A. General Policy. You may turn in a draft of your Applied Research Project at any time during the semester. Your professor will endeavor to return your Applied Research Project, with comments, within two weeks of the date you deliver it to him. Suggested target dates for turning in drafts are **February 12, 2013** and **March 19, 2013**.

B. Final draft. The final draft is due on **May 7, 2013 at 2:00 P.M.** Deliver it to your professor by e-mail attachment, if possible. Your grade on the Applied Research Project will be based on the draft you deliver on this date.

C. Turning in drafts. All drafts may be turned in to the professor personally, faxed to the professor at one of the fax numbers listed below, or e-mailed to the professor (as a Word, WordPerfect or pdf attachment) at both e-mail addresses listed below. Include the following pledge on each draft of your Applied Research Project: *I pledge to uphold the principles of honesty and responsibility at our university.*

D. Late policy. Twenty percent of possible credit on the final draft of the ARP will be deducted if it is not turned in on time. In order to avoid the late-assignment penalty, you must turn in your ARP on time or demonstrate extraordinary circumstances for your failure to do so. Your professor will determine whether you demonstrate extraordinary circumstances.

III. Special Notice to Spring 2013 Graduation Candidates

If you plan to graduate at the end of the Spring 2013 semester, you must submit your ARP to the oral review committee on or before **April 8, 2013 at 5:00 P.M.** You will be scheduled for your oral exam at a specified time on **April 23 or April 24, 2013**. These dates are in addition to the **May 7, 2013** deadline set for turning in a final draft of your ARP for a grade. Don’t forget to apply for graduation by **March 1, 2013**.
IV. Professor Information

Name:

Walter A. Wright

Office:

UAC 327 (personal)
UAC 355 (Political Science Department)
You may leave assignments in UAC 355 with Administrative Assistant for Legal Studies Program.

Direct telephone lines:

(512) 245-2138 (San Marcos)
(512) 292-1944 (Austin) (please use sparingly)
(512) 743-4941 (cell) (please use sparingly)

Political Science telephone line:

(512) 245-2233

Fax lines:

(512) 245-7815 (San Marcos)
(512) 282-6290 (Austin)

E-mail addresses:

ww05@txstate.edu (San Marcos)
levwrype@flash.net (Austin)
If you send an e-mail, please send it to both e-mail addresses. All attachments should be in Word, WordPerfect, or pdf format.

Office hours:

Monday:
9:00-11:30 A. M.

Tuesday:
9:30-11:30 A. M.

And by appointment.