So you want to write a research paper … J.E. Alvarez

Electronic Resources

Guide to publishing in NYU journals:

- https://www.law.nyu.edu/students/studentwriting/notepool

This is an excellent guide to writing a student note for publication – but also to legal writing generally. It includes an *outline of the types of notes* commonly found in US law reviews, general *guides to undertaking research and doing the dreaded 'preemption check,'* tips on selecting a topic and on note taking while doing the research, advice on publishing venues, writing competitions, and working with professors, and a *preliminary list of articles/books on legal writing such as E. Volokh's <u>Academic Legal Writing</u>*

Research guides in the NYU law library include general how-to guides to doing research for a law review note or to undertaking empirical research to specialized guides on foreign, comparative and international law (such as research guides on WTO/GATT law):

- https://www.law.nyu.edu/library/research/researchguides

Descriptions of writing requirements for JD students (*options A and B*):

- https://www.law.nyu.edu/academicservices/academic-policies/substantial-writing-requirements

Descriptions of writing options for LLM students:

- https://www.law.nyu.edu/graduateaffairs/academics/llmthesisoption

Why do it?
(https://www.law.nyu.edu/students/studentwriting)

Option B (note word limits; first and second drafts)
Important skill
Writing sample
Enable professor contact/reference
Develop expertise
Career trajectory
Editorial board of a law review
Impact . . .

How do it?

Seminar (including for additional credit)

Directed research

Outcome of research assistance (e.g., for credit)

Self-directed (e.g., for law review)

For LLMs: Four Credit Thesis option

Best: Seminar

Example: Global Governance colloquium from topic submission to poster to final paper in one semester . . .

Different outputs:

Research paper
Student note
Casenote
Book review/essay
Blog posting
Law review article
LLMs: Master's Thesis
SJDs: Dissertation/book

Choosing a topic

Where find it: casebk endnotes, in/out of class discussions, blog posts, end of law review articles, summer work . . .

Narrow your idea (if it requires reading a library your topic is too broad)

Retain focus on the law

Reflect your genuine interests

Have a concrete thesis

You might want to avoid:

Overly broad (or, more rarely, overly narrow) topic
Topic that is too-timely/too high profile
Articles that pose problems w/o possible solutions
Articles that only describe the law but don't
        synthesize in new way or prescribe
Topic subject to predictable preemption

Different types of papers/student notes

- Jurisdictional conflict/circuit splits
- Policy papers
- Impact of X on Y
- Application of Theory on X
- Historical
- Interdisciplinary (but do you have the other discipline?)
- Philosophy/jurisprudence
- Empirical (but do you have the quantitative skills?)
- Survey
- Case comment

Doing the Research: Lit Searches and Preemption Checks

Resources: treatises, Lexis/Westlaw, NYU research guides, law
     review articles, SSRN, Google Scholar . . .
Checking for preemption: e.g. Univ. of Chicago Preemption
       Checklist
Writing around ostensible preemption:
       e.g., do you disagree with the pre-emptor?

What does your professor want by way of topic?

Prof's subject matter preferences
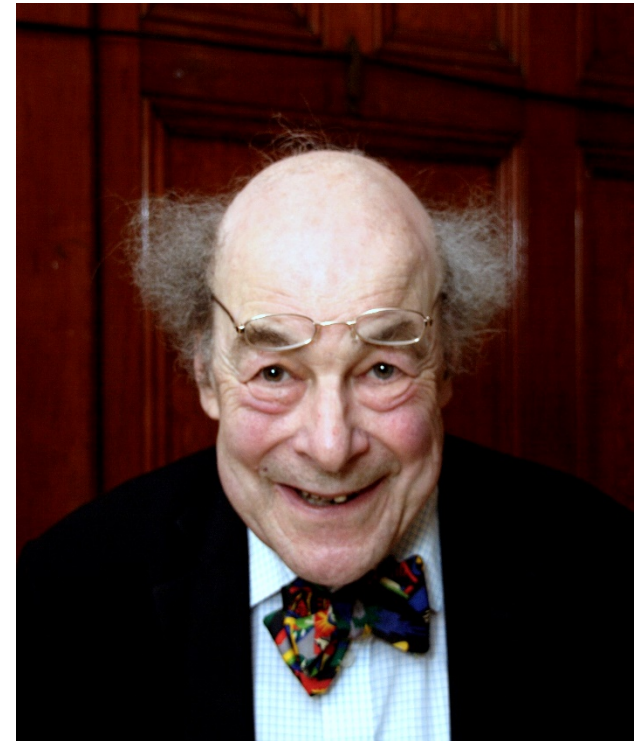Oral Description
Paper Outline
Detailed Proposal:
     Claim = Solution
     Background: lit survey
     Tentative Conclusion
     Tentative List of Sources

Identify claim/thesis that is . . .

Sound
Novel
Nonobvious
Useful

See, e.g., E. Volokh, Academic Legal Writing (any edition)
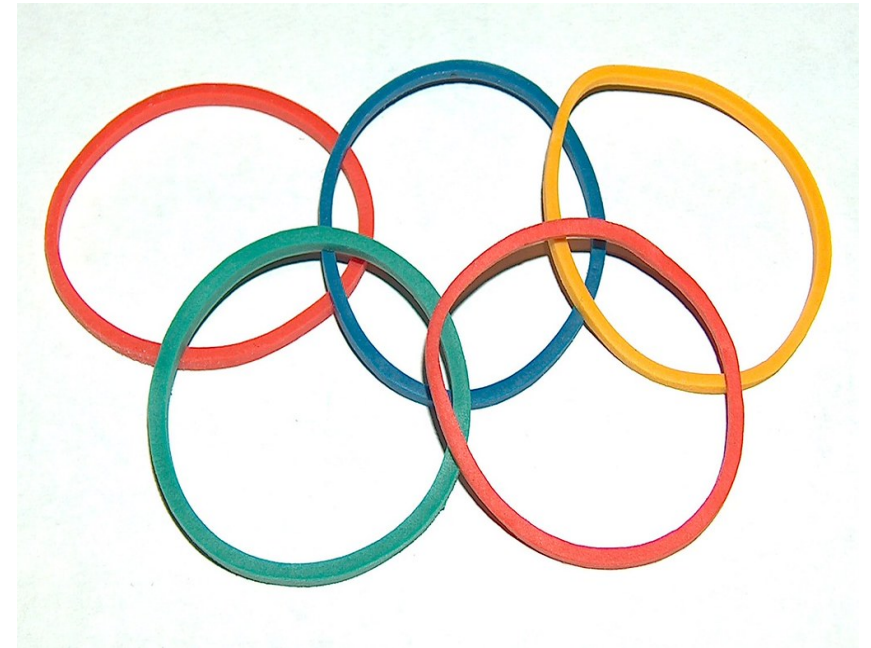
Draw Connections

To subsidiary material/questions
To practical applications
To related problems/fields
To broader concepts
To broader issues

The Introduction

Hook them in: persuade people to read further
Summarize claim for those who won't
Provide background of problem/of literature
Show Novelty/Non-obviousness/Utility/Soundness
Provide roadmap for all parts

Rewrite introduction once conclusion is done

Other Important (Re)Writing Tips:

Topic sentences/real paragraphs
Draw connections between topic sentences
Avoid redundancies, legalese, platitudes, clichés
Acknowledge uncertainties
Confront and answer problems with your thesis
Cite to original sources/no shortcuts
Credit others
Delete the extraneous
Edit, Edit, Edit (to death)

See, e.g., Barry Friedman Essay

You Are Not Alone: Use others

Orally present your piece – from elevator speech to formal talk

Give your professor your most polished first draft

Treat editorial suggestions as global suggestions

Get others (including practitioners) to read/comment/edit