OUTLINING (AND WRITING) A LEGAL RESEARCH PAPER

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Most legal research papers employ some version of this basic structure. The slides that follow explain what should be included in each of the sections.
The Introduction

- **Introduction**
  - Introduce the question you’re addressing
  - Explain why that question is important
  - Explain your thesis

- **Background**

- **Analysis/Argument**

- **Conclusion**
No hard and fast rule requires the legal background to precede the factual background, or vice versa. You might also have multiple sections describing the background law or facts, particularly if your paper addresses the intersection of two or more societal problems or areas of law.
The Background Section(s): Factual Background

- Introduction
- Background
  - Provide the factual context for your question
  - Summarize the story, or stories, behind the legal controversy you’re writing about
  - Provide the legal context for your question
- Analysis/Argument
- Conclusion
The Background Section(s): Legal Background

- Introduction
- Background
  - Provide the factual context for your question
  - Provide the legal context for your question
    - Explain the relevant law
    - Explain the controversy or problems (real or perceived by others) with existing law
- Analysis/Argument
- Conclusion

When explaining the controversy you’re addressing, be sure to explain what other legal authors have said about that controversy. If the subject just hasn’t been addressed (a rare circumstance), be sure to point that out. Your reader will want to know where your argument fits in the debate and how it advances that debate.
Introduction

Background

Analysis/Argument
  - Reintroduce your thesis
  - Support that thesis
  - Address alternative points of view

Conclusion

The slides that follow provide two examples of a general structure of an analysis section. These are not the only options, and you can structure your analysis in many other ways. The key is to have a structure. Think about how your overall argument can be divided into component sub-parts, then about how those sub-parts can be further divided, and then about how each fact, assertion, or claim fits within that structure. Divide and organize your sections, subsections, paragraphs, and sentences accordingly. Then use transition sentences and summary paragraphs to tie the pieces together.
Thesis: the law of A should be changed because the current approach is premised on flawed assumptions, relies on internally inconsistent reasoning, and leads to bad policy outcomes.

- begin with a mini-introduction that transitions from the prior section and summarizes your argument
  - Part A – Flawed Assumptions
  - Part B – Internally inconsistent reasoning
  - Part C – Bad policy outcomes
Thesis: The law of B should not change, because while the current law is flawed, all available alternatives are even more undesirable.

begin with a mini-introduction that transitions from the prior section and summarizes your argument

- Part A – current law is flawed
  - Explain Flaw 1
  - Explain Flaw 2
- Part B – alternatives approaches would be even worse
  - Explain alternative 1 and its problems
  - Explain alternative 2 and its problems
The Basic Structure

- Introduction
- Background
- (Methodology and results)
- Analysis/Argument
- **Conclusion**
  - Briefly summarize question addressed, conclusion reached
  - *Do not* introduce a new argument
How good research papers most often go bad

- The introduction doesn’t contain a thesis
- The background sections are too long
- The background sections contain too much information and not enough synopsis
- The background sections don’t relate to the argument
- The argument is too short
- Different sub-arguments are jumbled together
- Different sections and subsections aren’t linked with transitional language
- The argument is one-sided or inadequately researched
- The article contains grammatical and spelling mistakes