

Tips for Writing Better Law Papers (in no particular order)

1. In your introduction, try to justify your topic as one of political, social and/or constitutional significance. Explain why your topic is important. This is **the “so what” question**. Is some vital constitutional principle at stake? Spell it out, delineating the legal tension with which you are dealing.
2. Spell out your thesis or argument. Preface it with a phrase like, **“The purpose of this paper is to show...”** or “this paper will argue that...” I need to know exactly what you will be trying to prove.
3. After your thesis, map out what you are arguing and how you are arguing it – **your rationale**. Preview how you will develop your argument. Where are you going and how?
4. Put page numbers on every page of your paper. Page numbers help me give feedback.
5. Document (cite) your sources for all facts and claims that are not common knowledge. Cite any and all work that is not your own. (Please refer to the “Three Principles of Academic Honesty” reading hyperlinked off of the class home page.) When in doubt, cite.
6. Make sure you have a minimum of **five articles from legal journals** in your works cited. At least five, and this not for an “A” but just to get in the game, so hopefully, more than five. Do not rely on websites. If you do use/cite a website, make sure you can prove or otherwise verify the credibility of the site, and make sure you cite the author(s) or source of the site’s information, not merely the website itself, which is just an address.
7. In your discussion section, summarize your position and your main lines of argument. This should be no more than about a half-page. In your conclusions section, tell your reader what a reasonable person might conclude from your argument.
8. If you insist on giving the history of some aspect of your topic, make sure such history advances your case and that it is **BRIEF**. Most of the time, **history is just filler**; it seldom advances your case. Make sure it does.

9. Do not be tempted to provide blow-by-blow details of your key case(s). Usually, the court rationale and principles are what's relevant to your case, not the facts of the court case. This is particularly true if it is a well-known case.
10. If you include information about relevant court cases, be sure you clearly show how such information directly relates to the argument you are making. Do not make the reader figure out the connection.
11. Make sure you conform your paper to a style (APA, MLA, Blue Book, whatever). Follow whatever system you choose throughout your paper. Inconsistencies will result in point deductions.
12. Be sure to **define key terms**, especially legal terms (speech codes, hate speech codes, privacy, obscenity, for example). Define terms that might have multiple meanings.

How will I grade your paper?

- a. **USDA Grade A fresh ingredients:** I will look first at your research base, including your works cited and your footnotes/endnotes and bibliography. I will determine how fresh, how good your sources are. Remember, if you're making dinner, it doesn't matter how well you cook, you'll need good ingredients. If the meat is rotten and the veggies stale, dinner will stink, even if you're Emeril.
- b. Second, I will evaluate whether you have advanced a clear thesis.
- c. **How good is your recipe?** I will determine, based on your paper, whether you have implicitly or explicitly outlined a satisfactory **analytic framework** that would comprehensively answer the key questions that need to be answered regarding your topic/thesis.
- d. Fourth, I will verify that you have documented (provided evidence, cited sources) for claims that go beyond commonplace knowledge. You don't need to prove or cite that George Bush is a Republican. You will need to prove that "telemarketers have lost millions of dollars" after implementation of FTC do-not-call regulations, or that hefty libel case damages awards have "chilled speech".

- e. Fifth, I will check to see that your analysis does not include a bunch of padding: history, history of cases, historical background, blow-by-blow accounts. Unless you show how each historical case relates directly to your case, it's unnecessary dicta. What does this case prove regarding your case? If you just list each case, give me the facts of the case and then move on – danger. You need to explain why the case somehow proves a point that you want to make to advance your case, your reasons that prove your thesis.
- f. I will closely inspect your writing. **Writing quality counts . . .** a lot. Remember, writing IS thinking. How well do you think? How well do you communicate those ideas? Included in this are spelling, grammar, punctuation and sentence and paragraph construction. So save time for editing and revisions.

Structure of your paper

I suggest an introduction of no more than one page, one that includes ONLY the essential background, one that states your thesis, and one that gives a preview (ONLY a preview) of your lines of argument, your rationale.

The body of your paper comes next, likely 7 to 9 pages. Give 3 to 5 extended, reasoned, documented arguments in favor of your position. You also will want to refute opposing arguments. Do not argue both sides, but acknowledge the problems your argument has or could have. Use section headings if they help you.

Next a discussion section, or the implications of your argument, or of the case should it be decided the way you argue. Implications for our legal system, for our society, for democracy. ... whatever is most relevant.

Finally, a conclusions section. This is NOT A SUMMARY. Do not merely repeat what you've said or written elsewhere in your paper. This is where you stroke your beard over beers at the local tavern and ruminate on what the world might look like depending on how this issue, or the greater issues your case or issue represents, is resolved (or is not resolved). You can also suggest problems or questions that remain, which are ideas for future papers and future arguments.

So follow the instructions, give it industry and ingenuity, and craft your argument, your paper as a whittler crafts a totem pole. From your research, carve away everything that isn't your paper.

Do not hesitate to stop by and talk about concerns, issues and ideas . . . but ahead of time! The night before is far too late.

Best wishes to you!