Writing a research paper
(Seminar paper/independent study)

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Process

1. Picking a thesis
   a) Deciding on a topic
   b) Researching the topic to determine the thesis

2. Writing an outline & abstract
   – Refining the thesis
   – Figuring out the logical process of your arguments

3. Writing a draft

4. Polishing
   – Fix writing style/typos/grammar, add useful footnotes
1. Picking a Thesis
The most important part

- A law professor gave the following Jurisprudence exam:
  - Define a question related to the material taught in class (but that we did not raise in class), and answer it.
  - Grade: 50% for the question, 50% for the answer

- Essentially, students were asked to write a mini-research paper.
- The question you ask (the thesis) is by far the single most important thing in your paper
  - Everything else exists only to either support your thesis or make it clear and interesting
1. Picking a Thesis

Topic vs. Thesis

• Topic: A narrow area of law; E.g.,
  – Shareholder voting for directors in a corporation
  – State action doctrine in antitrust law
  – The loss causation element in a Rule 10(b)-5 violation
  – Not: “Mergers & Acquisitions”, “Limited Liability Companies”
  – Rule of thumb: if your topic can be the name of a course, it’s too broad

• Thesis: A **claim** about something within your topic; E.g.,
  – Case X should be interpreted in the following way...
  – Football players’ contracts and law professors’ contracts share the following characteristics... because...
  – Muslim law did not independently develop corporate law because...
  – Business ventures are organized in the following way in virtual worlds...
1. Picking a Thesis
(a) Deciding on a Topic

1. Choose a topic in which you have some competitive advantage over others in researching. E.g.,
   – Knowledge of methodology
   – Knowledge of language and/or culture
   – Contacts with people that can give you access to information that is otherwise hard to access

2. Choose a topic that interests you
   – It takes a lot of discipline to do adequate research, and it's easier to gather this discipline when you enjoy the topic you are researching

3. Choose a topic that is researchable
   – I.e., make sure that you are able to access the information needed for your research
1. Picking a Thesis
(b) Researching the topic to determine the thesis

• Thesis can be analytical or synthetic
  – **Analysis**: Use various evidence to prove a new claim
  – **Synthesis**: Survey others’ analyses regarding the claim

• All else equal, analytical theses are better
  – Good paper w/analytical thesis → Excellent paper
  – Good paper w/synthetic thesis → Adequate paper
1. Picking a Thesis
(b) Researching the topic to determine the thesis

Synthetic thesis should be:

• Thorough
  – All significant relevant sources presented

• Fair
  – Each source is accurately presented

• Organized
  – Fit others’ scholarship into categories & patterns
1. Picking a Thesis
(b) Researching the topic to determine the thesis

Analytical thesis should be:

- **Novel**
  - A claim no one has made before
  - New type of evidence supporting a disputed claim
  - Expanding an existing claim to new areas

- **Non-obvious**
  - Isn’t automatically accepted as true without supporting evidence

- **Sound**
  - The evidence you present would persuade a reasonable person that your claim is correct
  - Rule of thumb: If it sounds like a debate or an op-ed, it’s not “sound”
1. Picking a Thesis
Normative vs. Descriptive

• **Descriptive:** Your claim describes the situation *as it is*
  – Relies on access to a lot of data that sheds light on the thesis
  – Doesn’t have to be quantitative; can be qualitative (interviews, reports, case studies)

• **Normative:** claim describes how situation *should be*
  – Relies on knowledge of all previous arguments made regarding or related to the claim
  – Adds new evidence or insight and places it in context with other people’s arguments
  – Pitfall: The $20 bill on the floor – Explain why the situation is not the way you say it should be
1. Picking a Thesis
Common Pitfalls

- The over-broad thesis (raises too many sub-issues)
  - E.g., Characteristics of the LLC
- Thesis on a matter that cannot be generalized
  - E.g., Should CEOs be fired for backdating stock options?
- Falling in love with your thesis
  - Ignoring evidence that thesis is wrong or not novel
- Unclear whether thesis is descriptive or normative
- Thesis lacks supporting evidence, relies on persuasion
  - E.g., The adoption of law X will improve the economy
  - Remember: This is a research paper, not a brief!

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1. Picking a Thesis Process

1. Pick a topic (competitive advantage, interest, researchable)
2. Conduct initial research (at least 5 different sources)
   – Treatises, legal encyclopedias are a crash course to the law
   – Law review/SSRN articles flag current debates & “hot issues”
   – Talk to reference librarians (not only at the law library)
3. Pick a tentative thesis
   – Analytical (novel, non-obvious, sound) or synthetic (thorough, fair, organized)?
   – Descriptive (rely on data) or Normative (rely on theory)?
4. The “Add/Drop Period” - Focus your research to:
   – Ensure that the thesis is novel & correct
   – Fine tune or change the thesis if it’s not novel or not correct
5. Decide on a final thesis
1. Picking a Thesis

Tips

• Start with the narrowest topic and expand if necessary, rather than the other way around
  – Cuts down on research time
  – Narrow topics by:
    • “Tool kit”: Historical/Political/Economic/Sociological/Statistical
    • Scope of comparison: Between countries/states, time periods, bodies of law (e.g., LLCs vs. LPs), etc.

• Taking a contrary position to an established view almost ensures that your thesis is novel, non-obvious and important
  – Pitfalls: Relying on persuasion; falling in love with the thesis

• SEC’s EDGAR database has a tremendous amount of information about publicly listed companies
  – 10-Ks, 10-Qs, 8-Ks, etc.
1. Picking a Thesis

Tips

• Most important: Seek your competitive advantage
2. Writing an Outline & Abstract
Organizing the logic of your argument

• Abstract: Summary of the paper (1-3 paragraphs)
  – Writing stage: Allows you to briefly describe your paper to someone else
  – Publishing stage: A “teaser” to create interest in your work

• Outline: Title/content of each section and sub-section
  – The future “Table of Contents” of the paper
  – Typical depth: 2-3 levels
  – Breaks down the research into manageable pieces
3. Writing a Draft
Filling in the outline

• Usually start with an introduction that addresses:
  – What is your thesis
  – How is it different from what was written before
  – Example for why it is important
  – Outline of the paper’s structure

• Focus on each sub-section at a time
  – Before writing, have an idea of what this sub-section will say
  – Don’t get bogged down in details at this stage – drop a footnote or highlight a note to yourself when you need to find a minor reference/citation
4. Polishing
Final Touches

• Go over all highlighted notes and fill necessary references/quotes/text

• Re-read your paper
  – Typos
  – Grammar
  – Unnecessary Repetition
  – Confusing language
  – Disconnect between sub-sections of your paper

• If possible, have a friend read the paper to pick up places in which you are unclear
How-to Books
