

**LOYOLA UNIVERSITY NEW ORLEANS
COLLEGE OF LAW**

**GUIDELINES FOR LEGAL RESEARCH (LAW L898)
WRITING REQUIREMENT**

Registration:

In order to registration for this requirement, you must complete the following steps.

1. Obtain an Independent Study form online at law.loyno.edu/law-records or in the Law Records office.
2. Consult with advising professor about the research project, have the professor sign off on form and return form to Academic Affairs Coordinator in the Dean's Suite.
3. A student interested in registering for *LAW L898 - Legal Research* must submit a written outline of the topic along with a preliminary bibliography to the Associate Dean for Student Academic Affairs.
4. A student must be in good academic standing to register for this course.
5. A two-credit hour project shall require work equivalent to that required in a two-hour seminar and equivalent in length and quality to a law review comment, with a suggested length of 30 double-spaced typed pages.

Outline for Legal Research Paper:

1. Description of the Task
2. Selecting a Topic or Defining the Issues to Be Addressed
3. Researching and Organizing
4. Writing
5. Plagiarism
6. Texts to Assist in Researching and Writing
7. Excerpt from the Law School Bulletin

1. Description of the Task

Before graduation, every student at Loyola College of Law must submit a piece of legal writing in which the student exhibits his or her ability to perform thorough and deep research and critically perform legal analysis. The type of piece shall be dictated by the supervising professor. Typically, though not exclusively, students will be asked to draft "law review-type" articles, research memoranda, or briefs. This set of guidelines focuses on the former, which includes pieces in which students critically examine and comment on an area or topic of law.

The article differs from an interoffice memorandum in which the writer researches an area of law to evaluate a case and predict the outcome of the application of that law to that case. It differs from a memorandum to a court and an appellate brief, which are written to advocate a particular client's position and persuade the court of a certain outcome. The article traditionally does one or more of the following:

- a. suggests changes in the law and/or comments on discrepancies and inconsistencies in the law;
- b. provides in-depth analysis of the law;

- c. includes empirical data or other "non-traditional" information;
- d. compares the laws from more than one jurisdiction and considers the theories behind the laws;
- e. traces the history of the law; and
- f. recognizes differences in the application of the law by different courts and recommends a uniform application.

The article must be of suitable length and must earn the student a grade of C or better. Footnotes should be used for citations and should conform to *A Uniform System of Citation* (the Blue Book) and its guidelines for law reviews, unless the supervising professor requires some other format.

Other guidelines, suggestions, or requirements may be given or imposed by the supervising faculty member.

2. Selecting a Topic or Defining the Issues to Be Addressed

Selecting a good topic or defining the issues to be addressed is one of the most important steps you can take to ensure that you produce a strong piece of legal writing. Before selecting a topic or defining the issues, consider the following:

- a. Any requirements placed upon you by the supervising professor, such as writing in a particular area of the law because the piece is being written in conjunction with a class;
- b. Areas of particular interest to you because of your personal experience, educational or work background, or desire to practice, teach, or work in a particular area in the future;
- c. Evolving areas of law in which the scholarship on a particular topic is not well-developed;
- d. Recent developments in the law;
- e. Laws that may not be accomplishing what they were intended to accomplish;
- f. Areas of law in which lower and appellate courts have rendered conflicting decisions and the Supreme Court or the state supreme court has not yet ruled; and
- g. The suggestions and comments of professors and practitioners who work in your area(s) of interest.

If you are writing an article, once you have some ideas for topics, consult an indexing service that combines references to many law journals to determine what has been written on your potential topic(s) in the last five years. An online index is almost always the best choice for doing this because it will provide access to the most up-to-date information in one place. See *Louisiana Legal Research*, discussion on Researching Legal Periodicals, for the best sources to use, both online and in print. You may not duplicate what someone else has already done without proper attribution. Provide your supervising faculty member with a description of your topic, a preliminary outline of what you intend to cover in your article, and a description of and citation to any articles already written that parallel your topic.

3. Researching and Organizing

To research thoroughly for an article, consider primary and secondary authorities. Due to the number of sources you will consult, you should formulate a research plan before you begin researching and you should modify this plan as you conduct your research. A plan should simply identify what sources you plan to consult and in what order. Additional information that

may be helpful is a note about why you are consulting a particular source, how you think it might be helpful, and how you are considering using the source in your article. Although you may not be required to produce a written research plan, a written plan may prove helpful to you as a checklist and barometer of your research progress and may help you to keep your research focused and on track.

Organize your material as you research. You will be reviewing many sources; consider using file folders or tabbed sections in a binder(s) to store your research as you collect it. Otherwise, you will end up with a large pile of information that will need to be catalogued before you can even begin to work with it. Color code, number, tab, separate -- do whatever it takes to make final assimilation of the material easier when you begin to outline and write.

Further, as you work through the material uncovered by your research, always consider how you will organize your article. Each article will have its own organizational scheme, which will be dictated in large part by the material to be conveyed to the reader. Typically, articles begin with an introduction that sets out the author's thesis or theory and provides a roadmap of the article's organizational scheme. The introduction is often followed by a section or sections in which the writer provides the reader with the background on the topic that is necessary for the reader to understand the thesis of the paper and its analysis. The next section provides the writer's analysis, the support for the writer's thesis, and a consideration of counter arguments and rebuttals to the thesis. Finally, a brief conclusion section will tie the ideas of the paper together and may summarize the points made and the position(s) taken.

4. Writing

JUST DO IT! Many of us put off writing and get caught up in researching. Prolonging research time allows us to feel that we are actively working on the piece when what we frequently are doing is avoiding the sometimes more difficult task of assimilating our ideas and committing them to paper. If you have organized well, start with the section of your article with which you feel most comfortable and begin to write. The task of writing becomes much easier once your paper is no longer blank. Also, do not add pressure to the process by feeling as if what you are writing is your final draft. Rough or somewhat polished, what is critical is that you get a draft down on paper; revising an existing document is usually easier than trying to create a perfect first draft.

Footnote as you write. Even if you will need to go back and "Bluebook" the form of the footnotes at a later time, document your sources while you are writing. If you do not, you will spend valuable time later on in the writing process retracing your steps, trying to determine exactly where you got a particular idea or quote.

Spend a major portion of your time revising your work. After you have your ideas down on paper you will inevitably see new relationships between ideas that you had not considered earlier, you may change your opinion on some issues, you may see a need to restructure part or all of your article, or you may see a need to gather additional information on a certain point. Legal analysis and understanding is a continual process that does not stop simply because you have committed some ideas to paper. Do not discard the knowledge you will gain while writing; reserve time to incorporate this knowledge into your article.

Edit and proofread your work. You are a professional, and your work must reflect that fact. Lack of attention to the details of editing and proofreading may cause the reader to question your attention to the details of researching and analyzing.

5. Plagiarism

"Plagiarism" is defined as "[t]he act of appropriating the literary composition of another, or parts or passages of his writings, or the ideas or language of the same, and passing them off as the product of one's own mind." *Black's Law Dictionary* 1035 (5th ed. 1979). Plagiarism is expressly prohibited by the Loyola School of Law Honor Code, which provides:

It shall be a violation of the honor code to plagiarize the work of another. No student shall claim or submit as his or her own original work the research, ideas, or writings of another without acknowledging and clearly identifying such material in an appropriate manner. Paraphrasing without acknowledgment of authorship is a form of plagiarism.

Paraphrasing is the close restatement of another's idea using approximately the language of the original.

The Honor Code ¶ IV(B).

To avoid plagiarism, you must cite to all sources from which you have quoted, paraphrased, or obtained unique ideas. Gray areas may arise in which an idea may not be particularly unique to any one source. In those cases, you will need to use your discretion, but you should err on the side of giving attribution to the authority or authorities. Keep in mind that citation to authority strengthens legal writing, rather than weakening it.

6. Texts to Assist in Researching and Writing

Below is a short list of several sources that may assist in researching and writing. Most of the sources listed are already familiar to Loyola law students. You should also review some published law review articles to become more familiar with what the finished product will look like.

- Mary B. Ray & Jill J. Ramsfield, *Legal Writing: Getting It Right and Getting It Written* (5th ed. West 2010) (see specific sections on "scholarly writing").
- Elizabeth Fajans & Mary R. Falk, *Scholarly Writing for Law Students* (4th ed. West 2011).
- Mary Garvey Algero, *Louisiana Legal Research* (2d ed. Carolina Academic Press 2013).
- Mary Garvey Algero, et al., *Federal Legal Research* (Carolina Academic Press 2012).
- *A Uniform System of Citation (the Bluebook)* (19th edition).

7. Excerpt from the Law School Bulletin

a. Writing Requirement (2 hour requirement)

As a requirement of graduation, each student must submit a piece of legal writing in which the student exhibits the ability to perform legal analysis.

Guidelines for preparing a paper that satisfies the writing requirement are available from the Law Records Office or online at law.loyno.edu/law-records. The writing requirement is satisfied when a paper receives a grade of C or higher and the professor who grades the paper indicates on LORA or to Law Records the paper met the writing requirement standard. Students must tell the professor at the beginning of the project the paper will be used to satisfy the writing requirement. Professors will indicate on LORA or report to Law Records the writing requirement was satisfied by the student's paper.

Papers written in the following courses, when taught for at least 2 hours, may be used to satisfy the writing requirement:

LAW L782 - Law and Poverty Seminar	LAW L867 - Business Planning Seminar
LAW L802 - Law and Education Seminar	LAW L877 - Constitutional Law Seminar
LAW L809 - American Legal History Seminar	LAW L883 - Dialogues in Law and Ethics
LAW L813 - Evidence/Procedure Seminar	LAW L884 - International Law Seminar
LAW L816 - Comparative Law Seminar (2- or 3-hour credit assignment)	LAW L885 - Sex Discrimination Law Seminar
LAW L819 - Construction Industry Law Seminar	LAW L886 - Environmental Law Seminar
LAW L826 - Advanced Torts Seminar	LAW L887 - Federal Taxation Seminar
LAW L827 - Contracts/Commercial Law Seminar	LAW L890 - Regulation of Entertainment Industries Seminar
LAW L831 - European Union Law Seminar	LAW L892 - Law Review Seminar
LAW L834 - Environmental Justice Seminar	LAW L893 - Public Interest Law Journal Honors Tutorial (only for comment)
LAW L846 - Seminar in Scholarly Writing	LAW L894 - Public Interest Law Journal Seminar
LAW L853 - Family Law Seminar	LAW L898 - Legal Research (2-hour credit assignment)
LAW L855 - Child Advocacy Seminar	LAW L905 - Advanced Legal Writing
LAW L859 - Regulation of Sports Industry Seminar	LAW L910 - Law and Religion Seminar
LAW L862 - Criminal Law Seminar	
LAW L865 - Juvenile Law Seminar	

Any new seminar, course, or existing course, which is at least 2 credit hours and in which a paper of suitable length and quality is either required or offered by the instructor as an option.