

## **Research Paper in Law and Medicine**

### **Professor Terry**

Below are the requirements for research papers designed to satisfy the writing requirement for this course and some notes designed to promote the production of a quality paper.<sup>1</sup> If you intend to submit your paper to also satisfy the Advanced Research Writing Requirement (AWR) graduation requirement please pay particular attention to **Section F**, below.

The primary deliverable for this seminar is a substantial research paper that is the equivalent of a law review note or comment. The paper should be in the 8000-9000 word range, minus footnotes.

Additional deliverables include an outline of the paper, a first draft, and an oral presentation of the paper to the class. These deliverables are further discussed below.

While it is anticipated that you will consult this document at the beginning of the course, you should also use it as a checklist before you submit your paper.

#### **A. Paper Format**

The following suggested format should help you express a good issue to address in the paper, and structure your analysis of your issue in an effective manner. Please note, however, that this is a guide and, while likely a good place to start, will not always be appropriate for every type of paper or issue. Notwithstanding, this is the default format that you should follow for the outline for your paper (that must include your thesis statement) and for the paper itself. As a baseline, your paper (and hence your outline) should contain four parts, an Introduction, Background, Analysis and a Conclusion.

##### **I. Introduction**

State the issue you plan to analyze in question form. This is the key component of your thesis statement.

A good issue generally identifies a problem that needs legal action such as a statute, regulation or judicial decision or reform of an existing statute, regulation or judicial decision. For example, you might be identifying and analyzing new case law or theory pertinent to your topic or how an area of law and/or policy has evolved over an identified period of time or should evolve given identified societal/technological/economic developments.

A good paper will usually indicate how you are going to answer (analyze) the question you've posed and your suggested solution/criticism (a.k.a., your thesis statement) and where/when you are going to address those issues. Most papers will contain in the Introduction a formal "route map" describing the organization of the paper. E.g., "in Section 2 the paper addresses... In

---

<sup>1</sup> These notes are themselves heavily based on prior written advice to students authored by Professor Jennifer Drobac and Professor Eleanor Kinney.

Section 3...”

## II. Background

Potentially this would be Part/Section 2 of your paper. Sometimes this step will not be necessary, e.g., if the topic/issue is familiar to your audience.

This section requires you to identify what information the reader requires to understand your analysis. This may include:

- Relevant historical background on how the issue evolved and why it is important.
- Relevant statutory, regulatory, or case law (particularly inconsistent or conflicting case law such as with a Circuit “split”).
- Relevant law review or other scholarly or professional commentary.
- A disruptive moment such as a societal shift or technological innovation that requires revisiting established legal rules.
- Any other information that the reader requires in order to understand the analysis.

## III. Analysis

A good analysis generally explicates the question posed in the frame of the materials/authorities discussed. The analysis likely also will suggest a legal (or policy that can be operationalized through law) approach to solving/mitigating the problem identified. Recommendations typically should be specific and detailed. Appropriate legal analysis might include:

- Criticism of an existing statute/provision or lack thereof and recommend reforms.
- Criticism of a judicial decision or line of decisions and recommendations for reformulating the judicial response to the issue presented.
- A novel approach to the issue presented or a suggestion as to how to legally operationalize an approach you have identified in policy/academic literature.
- Criticism of a legal position as inconsistent with a policy approach or *vice versa*.
- Comparison and contrasting of different statutes, cases, reform proposals, jurisdictions, legal systems, etc., with a conclusion about which is superior and which is inferior and the reasons for your conclusions.

**Note 1:** The analysis section of the paper is likely to be spread over several Parts or Sections of the paper and/or to contain several sub-parts. Each part or sub-part should have a descriptive title designed to aid the reader’s comprehension both of the structure of your detailed arguments/analysis and the paper as a whole.

**Note 2:** A seminar paper of the length here required is unlikely to be able to “solve” every issue. It may be appropriate to highlight solutions for major problems/issues you identify and include a section listing some of the issues that will require further study/analysis. A common fault with papers (and a consistent reason for writer’s “block”) is that they try and address “everything.”

## **IV. Conclusion**

Ideally the Conclusion should “map” to your Introduction (including your core question, thesis statement, and “route map.” That is it should state how you have answered your core question and reinforce your statement of the key analysis and/or factors that support your answer to the question. Frequently conclusions provide a short statement about the implications of the recommendations made in the paper.

### **B. The Outline**

The outline is a critical stage in most writing endeavors. It is also a formal deliverable for this seminar. A workable outline for a student note or comment-style paper should be two pages in length (double-spaced).

Your outline must begin with a thesis statement. Some statements can be captured in a long sentence. A thesis statement for a student note or comment-style paper is more likely to consist of a short paragraph.<sup>2</sup>

The remainder of the outline should consist of the substantive headings and sub-headings that form the structure of your paper. While an Introduction and Conclusion are “givens,” your outline should expand on the Background and Analysis sections of your paper. It is, if you like, a skeletal representation of your paper.

A formal outline requirement forces the writer to confront the logical structure of his or her paper and critically assess the paper’s analytical steps. Another purpose is to provide a framework for critical feedback from your Instructor at an early stage in the writing process.

**Note:** Some writers find the outline “view” in Microsoft Word or in similar products to be a useful tool for creating an outline.

### **C. The First Draft**

The presentation of a first draft for review from the Instructor is designed to facilitate feedback and improve the final, submitted draft. For feedback to be useful this “first” draft should be quite close to your final draft. Nevertheless, a first draft could be acceptable even if not all the footnotes are completed or fully “blue-booked” or for example that the Conclusion or a sub-section is not completely finalized. Notwithstanding, the paper must be sufficiently close to “final” to enable a detailed read of the paper. The Instructor will provide you with “notes” following the read of the first draft. No grade will be given for the first draft.

---

<sup>2</sup> For more on writing a thesis statement see [http://www.indiana.edu/~wts/pamphlets/thesis\\_statement.shtml](http://www.indiana.edu/~wts/pamphlets/thesis_statement.shtml)

## D. The Final Paper

The final paper should be very polished in appearance. There should be no typographical errors or misspelled words. Please double check that topic sentences accurately introduce a paragraph. Also check for noun-verb agreement, noun-pronoun agreement, and other syntax errors. Well-written papers use clear, concise language. Avoid “legalese,” run-on sentences, and “passive voice” construction. A good way to evaluate the clarity of a paper is to read it aloud to someone else. If the listener makes you stop to repeat a passage, you may have a problem in that section. Additionally, if you cannot read a sentence without taking a breath, it is too long. Each sentence conveys only one idea. Finally, good writing is a function of clear thinking. Know what you want to say and then say it as simply and clearly as possible.

Your final paper should have the following characteristics:

- A cover page with the title in caps, your name, the course name, and date.
- Footnotes at the bottom of the page in the format required for law review articles by the Harvard citation manual, i.e., the “Blue Book.”
- A consistent system of headings dividing and labeling different sections of the paper.
- Full justification of text.
- All relevant primary and secondary sources should be reflected in the paper’s footnotes.
- *All sources* must be cited correctly and used to substantiate points that you obtained from that source.
- Quoted materials should be appropriately indented and cited.

Finally, remember that the paper must be *your own original work*. Before submitting your paper check that you have not used the work of another either by copying or paraphrasing.

## E. Presenting Your Paper

After the completion of your first draft but (typically) before you complete your final draft, you are required to present your paper to your classmates and your Instructor. You will have a maximum of 25 minutes to give your presentation and answer questions/respond to feedback. There are several reasons to require this formal presentation. First, much of your work in practice (whether presenting to clients or to a court) will require an oral presentation based on something you have written (a memo, brief, etc.). Second, a good oral presentation based on a longer, written work requires a process of distillation and prioritization of arguments. This process likely will lead you to critically evaluate your own written work and potentially lead you to reorganize or otherwise sharpen your analysis.

In practice the limited time allotted for your presentation (like so many other oral arguments that you will be making) will severely constrain the issues you can cover. You should definitely cover your thesis, some background and the strongest argument you have that supports your thesis. After practicing the presentation you may be able to add a few more points.

**Note:** Creating a written outline or using a slide set (e.g., PowerPoint) are useful professional tools and

likely will improve your presentation.

## **F. School of Law Advanced Research and Writing Requirements**

Carefully review the AWR requirements available at <http://indy.law.indiana.edu/students/handbook/>.

**Note 1:** The paper that you will submit for credit for the seminar should use *footnotes*. The AWR-satisfying paper requires *endnotes*. As a result you will need to submit two, differently formatted papers. Microsoft Word can help you convert between these two styles.<sup>3</sup>

**Note 2:** The AWR requirement is expressed in pages, minus endnotes. The seminar requirement is for a paper in the 8000-9000 word range, minus footnotes. 7500-8000 words equals approximately 25 pages.

**Note 3:** The AWR requirement includes filing of various forms. Responsibility for these procedural steps rests with the student.

---

<sup>3</sup> <http://office.microsoft.com/en-us/word-help/convert-footnotes-to-endnotes-and-vice-versa-HP005186232.aspx>