

# How to Write a Law Paper in English

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## **A. Introduction**

So you are currently enrolled in one of the English electives in law at UiO, and now find yourself having to write a research paper (in English), instead of sitting an exam. Your course grade will depend on the successful completion of this paper, and for many of you this will be the first time that you have been asked to write a paper in English. As such, the mere thought of writing a paper in English may be panic inducing and somewhat terrifying. But fear not, we have developed this how-to-guide - that if followed - will guide you through the process, and hopefully help you to produce an excellent paper.

Some of you may well be asking yourselves why you have been asked to write a paper in the first place. Well, the answer to that is quite simple. Your Professors have (rather thoughtfully), want to give you a chance to improve your written skills, particularly your English written skills. Effective English writing skills are an important commodity on the job market, and writing a research paper is a great way to develop these skills. Most of the large Norwegian law firms do a great deal of their work in English, and need lawyers who can draft and work in English. The same is true for some public sector jobs, where the work often involve an international component (like the Foreign Ministry or Department of Justice etc.) Likewise, if you are interested in employment with organizations like Amnesty or NGOs, you will need to be able to write legal reports in English. If you are considering a more academically oriented career, English writing skills are obviously going to be an asset. As such, this is a crucial skill set to develop during your time in law school.

Writing a longer research papers, is a mandatory component of law programs at most major Anglo-American law schools. An American student will normally write several such papers during the course of their law studies. The idea is that you take smaller seminar courses, and then have the opportunity to use that course to specialize in an area of law that interests you, by producing a research paper. The benefits of this approach is that you as a student have the opportunity to pick a topic (that is pertinent to the class that you are taking) and then exploring it through writing a paper. This way you get to specialize in an area of law that interests you, without having to commit to writing a full LL.M. paper on the topic. These papers are typically in the region of 6,000 words, and are thus substantially shorter than what your master papers will be, but at the same time they are long enough to allow you to explore an interesting topic of your choice.

As you will see, the writing style of these papers will be quite different from what you are taught in your Norwegian courses. Perhaps the main difference is that we want you to effectively account for your thoughts and opinion in your paper. This is not going to be a passive writing exercise, where we ask you to systemize the thoughts and opinions of others. Rather, we want you to tell us what you think about the question that you are writing on, and write with an active point of view. Your arguments will still need to be supported by authorities (which will naturally include statutes, case law, expert authors and other legal sources); however in your conclusion, you will need to be able to conclude with some ideas or opinions of your own. We hope that this will make the paper writing process both fun and interesting.

## B. Some Basics of a Law School Paper

*The first thing that you need to do before you start is to have a through look at the precise formal requirements of your paper (length, structure and topic choice etc.).*

Just as the most basic (and important) exam technique is to begin every exam by carefully reading the question; you need to start your paper writing process by familiarizing yourself with the precise formal requirements of your paper.

What is the minimum and maximum length of your paper?

When is it due?

Does your Professor specify a certain structure or format for the paper?

Do you have to hand in your paper topic for approval by the Professor?

What kind of paper topics can you choose from?

Are you free to pick your own topic?

Only once you know the answers to these questions, will you be able to start sketching out your paper. For the precise requirements of your paper, you will need to consult your syllabus and Professor. However, in general terms, the paper assignments for the English language law electives at UiO, tend to be about 6,000 words (which is approximately 25 pages double spaced, with footnotes). This may seem like a lot, but once you start writing, most of you will find that it will be difficult to keep your paper *within* the word limit.

The paper writing process will begin with selecting a paper topic. You will normally be free to choose your own topic (as long as it falls within the scope of your class), and you will usually be required to submit a one page research topic proposal to your Professor. You will then get the paper topic approved by your Professor, or have a discussion about how you can develop it further. Selecting a good paper topic is therefore your primary concern, and we have dedicated a whole section on the selection of a paper topic. Without a good paper topic you will not get a good grade, so start thinking about the topic you want to write on now.

After selecting a topic, you will need to begin your researching. Part D is dedicated to legal research, and a good paper will obviously be one that uses a good variety of legal authorities. A strong paper is also one that is well structured. You need to check your syllabus to see if your Professor has proposed a set structure for your paper, and if this is the case, you need to make sure that you follow it. Otherwise, Part E is dedicated to structuring your paper correctly, and your paper will need to include the following:

Table of contents

Introduction

Methodology (if appropriate)

Main Body

Conclusion

Bibliography and Annexes

As I am sure most of you are aware, papers need to be submitted using the University template, which can be found at: [www.jus.uio.no/english/studies/student-services/juriteket/](http://www.jus.uio.no/english/studies/student-services/juriteket/).

## C. How to Select a Paper Topic

*Choosing a good topic or research question will be the single biggest factor to your paper writing success, so pick early and pick well!*

To my mind, the first thing that you do after you have decided to take a paper based course, is to begin to think about what your paper topic should be. Just like you would strategically begin an exam based course by looking at past exams (to get an idea of how you will need to approach the subject), you need to begin a paper based course by thinking of your research topic. If you do not pick a good paper topic, you will not get a good grade. As such, the challenge of finding a topic might seem very daunting at first, especially if the subject matter of the course is unfamiliar to you.

Aside from the rather obvious advice of picking something that you find interesting, I also want you to keep in mind that you should be looking for paper topics where you will be able to articulate some kind of added value. What do I mean by 'added value'? I mean that one of the central goals of writing an English language paper is not only to show that you understand an area of law, but also to be able to show that you are capable of articulating a reflected opinion on that area of law. So the added value, is then the unique take or interpretation that you can bring to your paper topic. Thus, look for paper topics, where you are not only stating the pre-existing knowledge, but also contributing some of your own opinions and arguments to the subject.

To my mind, you also have to pick a research topic early on in the semester, as you want to be able to spend as much time possible researching and writing. Some Professors will also require you to submit paper topic proposals, early on in the semester, and so you will need to begin to think of a topic as soon as the semester starts. This may be difficult to do, especially if you are not as familiar with the area of law taught in the course. As such, you may find yourself picking a paper topic, well before you feel like you understand the topics that you are being taught. Picking a smart research topic, in an area of law that is new to you, can be challenging. Nevertheless, there are ways to start:

*(i) Look over your course syllabus and zoom in on a general subject area that interests you*

A good way to begin your paper topic quest, is to look over the syllabus of the course that you are writing the paper for. Look at the various topics you will be covering during the course of the semester, and consider the following questions:

What is the scope of your syllabus, and what good paper topics fall within this scope?

Does a particular topic strike you as interesting?

Is there an area or theme in your course that you wish to explore further?

After having reflected on these questions you will know the rough range of paper topics that you could choose to explore. Likewise, you will usually be able to eliminate the areas of the syllabus that you do not find interesting – and be left with a couple of areas that you wish to explore further.

At this point, if you have narrowed your search down to a few different areas of the syllabus that you are interested in, you should then do some basic introductory reading on these topics.

The easiest thing to do is to use the readings from your course syllabus (that have been assigned for that topic), as the introductory reading. The hope is that by skim reading these introductory readings, you will be able to eliminate the remaining areas of interest, so that you are left with one.

This should give you a general subject area in which to find a concrete paper topic. It is important that this general area of law interests you. You will have to work within that area of law for at least one or two months, so it has to be a topic that interests you enough to keep you motivated throughout this period.

*(ii) Read some (further) introductory readings on this general subject area*

After you have narrowed your focus to a general subject area, you should then take the time to look over some of the basic syllabus literature on this topics. Introductory literature is a good way of getting an overview of an unfamiliar issue in law, and such literature may also highlight some of the major debates within this topic. Consequently, you might get some really good paper topic ideas from reading these articles/books.

You could also google the topics that you are interested in. Although googling an area of law may not seem like the best way to find a good paper topics, a quick google search might tell you about big news stories or new cases relevant to that topic. Increasingly you will also find that some of the major practitioners or academics in a field, will have blogs where they write about developments in the law or outline current challenges. Such articles or blog posts might therefore lead you to relevant and exciting paper topics. You might also consider skimming through a recent journal article on the area of law that you are focusing on. Recent journal articles might also introduce you to current issues that can make for good paper topics.

At this stage you should be able to zoom in on an issue that will make for a good paper topic. But what to do now? How do you take that vague issue and turn it into a good paper topic?

*(iii) Key elements of a good topic*

As with everything else in life, it is hard to give a concise, general formula of how to construct a good paper topic, because there are so many ways to do it. The following classic paper topics may serve as useful starting points; and as you will see, all of these topics will allow you to not only re-state different opinions on the law, but also to add your own value by presenting your own unique take on the issue:

1. To criticize or support a judicial opinion in a recent case.

This really is the classic law paper, whereby you have selected a new (and probably important) case within your area of interest, and analyzed it. Although this approach sounds a little basic, it can make for a good paper. During the course of your paper you will hopefully be able to construct a solid legal analysis of the opinion, and then criticize or support the underlying legal rational of the judgment. Finally you can then perhaps make some suggestions on how the decision could have been improved upon, or how you think the law should be developed further (based on this decision); or discuss how this decision fits into the legal framework in this area of law.

2. To expand on a field of knowledge by offering new direction for a specific area of law.

After reading some of the introductory literature on your issue, you may find that you feel that the law should be progressing or moving in a new direction. You can then choose to write a paper where you explore what direction you think that should be. This is a sophisticated paper topic, but you would be surprised to find how often an area of law (especially in international law) needs an update or simply a new approach (often because the current legal frame work is outdated with regards to modern technology or current demographic trends). This is a paper topic where you would then begin by describing the current state of the law, then analyzing this specific area of law (showing how it needs a new direction), and finally adding your thoughts on what new direction the law should be taking.

3. To dismiss another article by criticizing a theory or argument made by another scholar.

In your preliminary reading, you may have encountered a legal theory or argument by a scholar, that you find problematic or interesting. If this is the case, you might then consider writing a paper detailing why you find this theory or argument to be problematic; and again taking your analysis to the next level by ideally proposing ideas for new ways to conceptualize these arguments/ theories.

4. To foreshadow or predict developments in the law.

This is kind of similar to the second paper topic, but slightly different in that you are not accounting for where you think the law should be heading. Rather, you are asked to foreshadow or predict a new development in the law. For example, you may get the impression that practitioners or judges and academics are on the brink of moving away from an old legal precedent, and are about to articulate a new legal standard in your field. If this is the case, you can write a paper where you document cases or academic articles where this new precedence seems to be emerging, and then reflecting on how the new precedence should be formulated.

5. To suggest changes in the law.

This is again similar to topics 2 and 4, but this time you are not foreshadowing a change or necessarily offering a new direction that you believe the law should take; rather you are simply highlighting a problem in the existing law and then suggesting how this can be changed or solved.

6. Comparative studies of case law from different courts/ jurisdictions.

You often find that there are divergent legal practices between different international courts, or in different domestic legal system. For example, if you are writing on terrorism, you might find that the Inter-American Court of Human Rights has come out with very different judgments from the ECHR. You could then write a paper comparing the two approaches, and then make some reflections about what the superior approach is.

7. To make recommendations for actions on a legal issue.

If you come over a legal issue that you feel is not being recognized by the current legal framework or academic literature, you could consider writing a paper where you explore this further. Your paper will then focus on how you best believe that this issue can be incorporated into the existing legal framework, or what other actions need to be take to solve or tackle this legal issue.

7. What not to do

Now that we have outlined a few different types of research topics, here are a few types of papers that you want to avoid:

a. Papers that show there's a problem, but don't give a solution.

As we have discussed above, a good paper will be one that includes your added value to the topic, by you offering your own thoughts on the issues. As such, you want to avoid writing a paper that simply highlights that there is a problem, but does not go any further than that. While we do not expect that you to come up with a brilliant new take on the subject, we do want you to at least try to discuss some solutions to the problems that you have identified in your paper.

b. Just writing a paper that is a simple case note.

While writing a paper analyzing a new case or comparing cases can make for a really good paper, avoid the pitfall of writing a simple case note (where you are just offering a basic analysis of the new case law). Rather, you want to make sure that you spend some time placing the case in context, and describing how this new case could potentially be important, and how it relates to the existing case law. Try to place the case in perspective, and perhaps also discuss where the case law should go from here or how this case will affect future litigation.

c. Papers that just explain what the law is.

While a paper outlining the current state of the law can be really interesting, be careful that you haven't just spent your entire paper re-stating what the law is. Make sure that you also spend some time discussing the bigger issues - like the utility of the law operating in this way, how the law can be improved upon and the current problems with the law as it stands today. You want to avoid writing a paper that is overly descriptive, and lacks an analytical component.

*(iv) Refining the Scope*

A key element in determining your research question is considering the scope and breath of your topic. Remember that you will typically be expected to answer your research topic in 6,000 words or less. So if your research topic is so broad that it needs to be answered via a PhD thesis, you will not get a good grade.

One of the first things that an examiner will consider when grading your paper, is whether or not you were able to answer your original research question. You cannot adequately do so if



your paper topic is too broad. As such, you need to phrase your topic in such a way that it is narrow enough to be adequately covered during the course of your paper. So ask yourself whether you can achieve your stated topic in this amount of space, and then refine your topic accordingly.

*(v) Continue to refine your topic*

After you have formulated your paper topic, you will continue to refine it as you begin to write and research your paper.

As you start researching your chosen topic, your understanding of that topic will naturally evolve, and the focus of your paper may thus start to shift. This is a natural part of the writing process, and (unless specifically instructed to do so by the Professor), you can change your research topic to reflect the new information that you collect during your research.

However, it is important that you still maintain your focus. Once you start researching your paper, it is easy to be overwhelmed by all the information and view points that you encounter. You may find so many interesting cases and perspectives that you end up broadening your topic, not narrowing it. Again, you only have 6,000 words, and a good paper is a well focused paper. So as you are researching, it will be important to keep in mind that you are supposed to be refining your research topic, not further expanding on it. You will need to rein in your interests, and streamline your paper.

If you do not do this, you might find yourself inadvertently jumping back and forth between different paper topics, and veering off course. As such, you need to critically assess how every new legal source furthers the development of your research topic, and assess whether a new case or authority is really a necessary component to your argument. Shifting the focus of your topic towards something more concise and specialized is a good thing, but jumping between different research topics is not.

**Key Points:**

Start thinking about your topic early.

Read introductory/general literature to help narrow your topic down to an issue that is interesting and hopefully current.

Pick a topic where you will be able to articulate an added value.

Avoid paper topics that are overly descriptive, and not analytical enough.

Make sure that your paper topic is not overly broad, refine it so that you can answer your research question in the assigned length.

## D. Where to Find International Legal Sources

*A good paper is one that uses a variety of legal sources and materials. This section will show you how to conduct legal research in English.*

A key difference between Norwegian legal research and international legal research, is the vast amount of sources available. If you are researching topics in Norwegian law, you are usually presented with a few relevant legal statutes and cases, and then the academic writings of a few big experts. However, if you are researching topics in international law, you will be inundated with different legal treaties/statutes and case law; as well as an overwhelming number of academic articles and books.

Here is a short guide to where you can find different international legal sources for your paper.

### *(i) International Treaties*

Most of you will be writing papers for classes on an area of international law. As such, international treaties will probably serve as some of the primary sources in your paper.

Most international treaties can be found on line, and are usually available on the UN website. As per Article 102 of the UN Charter, the Secretariat of the United Nations is obliged to register and publish any international agreement entered into by its member states. This is currently being published online at the United Nations Treaty Collection (<http://treaties.un.org/Home.aspx?lang=en>).

The great thing about the UN websites, is that it not only gives you the full text of the treaty, but also the *travaux preparatoire*, the signatures to the treaties, as well as any reservations that have been entered by States. State reservations might be of particular interest when you are looking at State practice in a certain area of international law, and so they are often worth having a look at. As is the *travaux preparatoire*, in the event that you want to look at how and why an article was formulated in a certain way, or was included in an international treaty.

With regards to the major international treaties, they sometimes have treaty implementing bodies that have published comments or guidelines on the state of the law in relation to a certain treaty. So if you are, let's say, researching social and economic rights, you should look at the General Comments that have been published by the Committee on Economic, Social and Cultural Rights.

Regional treaties should also be available on line, often on the website of the bodies that created the treaties.

### *(ii) Domestic Law*

In your paper you may be focusing on how a certain area of law has been codified by domestic legal systems, and if this is the case, then you will need to look at the legal statutes in different countries.

This might prove difficult to do in practice, but sometimes (and depending on the country), some laws might be available on-line in English. A good place to start is to Google the web page of the Department of Justice in the country that you want to look at, to see if the Justice Department includes information on the English language publications of domestic law.

Another place to look is Westlaw, that does have copies of some domestic law (see section on how to use Westlaw, under domestic case law).

If you cannot find an official English translation of the domestic statute that you are looking for, you could try to see if you can find a book or journal article where an author cites or analyses the domestic law that you are interested in. However, it must be said that this source then becomes a secondary source, as you still may not have the exact text of the statute. You cannot uncritically rely on the second hand account of a legal statute, and you should indicate in your paper that you are drawing your arguments from a secondary source (and not the actual law itself).

### *(iii) International Case Law*

International case law is another great primary source of law for your paper. The nice thing about international case law is that it is usually easily accessible on-line.

The major international courts all publish their case law on online search engines. These search engines are of variable quality, but they should have all of the court's case law, as well as the newest judgments.

#### a. International Court of Justice

The International Court of Justice's (ICJ) website has all of the court's judgments: <http://www.icj-cij.org/docket/index.php?p1=3&p2=2>. For newer cases, the website will also have published some of the oral and written submissions of the parties. Such documents can be very useful if you are analyzing an ICJ judgment, and want to have a better understanding of the parties' pleadings, and legal arguments.

The only downside of the ICJ website is that you cannot search the case law for specific topics of law, or for key terms. So you have to know which cases that you want to look at, as you can't make a general search for ICJ cases that relate to a certain legal topic (like jurisdiction or use of force etc.).

#### b. European Court of Human Rights

The ECHR has one of the better online databases of cases, as it is a searchable directory: <http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx>. This is great, because then you can search for case law related to a certain topic of law (like breach of Article 8 etc.) or you can search for the case law against a particular country (like France or Norway). This makes the case law much easier to systemize.

Another great feature of the ECHR is that they publish their own case reports, and short fact sheets on certain topics of ECHR case law (like gender equality, environmental law etc.). These fact sheets are really useful, because they will give you a short up to date summary of

the Court's case law on that specific point of law (including pending cases). This is a really great starting point if you are looking for the relevant cases on a certain topic.

These fact sheets can be found here:

[http://www.echr.coe.int/Pages/home.aspx?p=press/factsheets&c=#n1347890855564\\_pointer](http://www.echr.coe.int/Pages/home.aspx?p=press/factsheets&c=#n1347890855564_pointer),

and case reports can be found here:

[http://www.echr.coe.int/Pages/home.aspx?p=echrpublications/other&c=#n1347528850996\\_pointer](http://www.echr.coe.int/Pages/home.aspx?p=echrpublications/other&c=#n1347528850996_pointer).

#### c. The international criminal courts

All the international criminal courts publish their case law online, but the quality of their online directories vary, and for the most part you cannot search it. So you cannot use their webpages to search for case law on a certain topic (like gender violence). Most of the webpages will present you with a list of the cases at the court, and you can then click on a case to access the case documents and judgments in that case.

I would also like to warn you that a lot of the time the case files of each case will look a little overwhelming, as you could be presented with all the legal filings in a given case. As such, when you click on a case, you will get a list of dozens of court motions, the individual judgments on those motions, as well as the final Judgment and Appeals Judgment. You will mostly be interested in the final Judgment or final Appeals Judgment. But again, be warned, final judgments in international criminal trials run long, and are sometimes well over 1,000 pages.

As such, I would recommend that if you want to look at case law from an international criminal court, you should first consult a journal article or book on international criminal law. These books will be able to guide you to the case law that you want to look at, as well as which of the paragraphs in a judgment you should be looking at (so as to avoid having to look through an entire thousand page judgment).

ICC: [http://www.icc-cpi.int/en\\_menus/icc/situations%20and%20cases/cases/Pages/cases%20index.aspx](http://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/cases/Pages/cases%20index.aspx)

ICTY: <http://www.icty.org/action/cases/4>

ICTR: <http://www.unictl.org/Cases/tabid/204/Default.aspx>

SCSL: <http://www.sc-sl.org/CASES/tabid/71/Default.aspx>

STL: <http://www.stl-tsl.org/en/the-cases>

ECCC: <http://www.eccc.gov.kh/en/document/court> (The ECCC actually has a rudimentary search engine, where you can search on specific topics of law, as well as a video archive of every court day in Case 002).

#### d. Others

Inter-American Court of Human Rights: has a searchable online database of all its case law: <http://www.corteidh.or.cr/index.php/en/jurisprudencia>

African Court to Human and People's Rights: <http://www.african-court.org/en/>

The Human Rights Committee:

<http://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx>

CEDAW: <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>

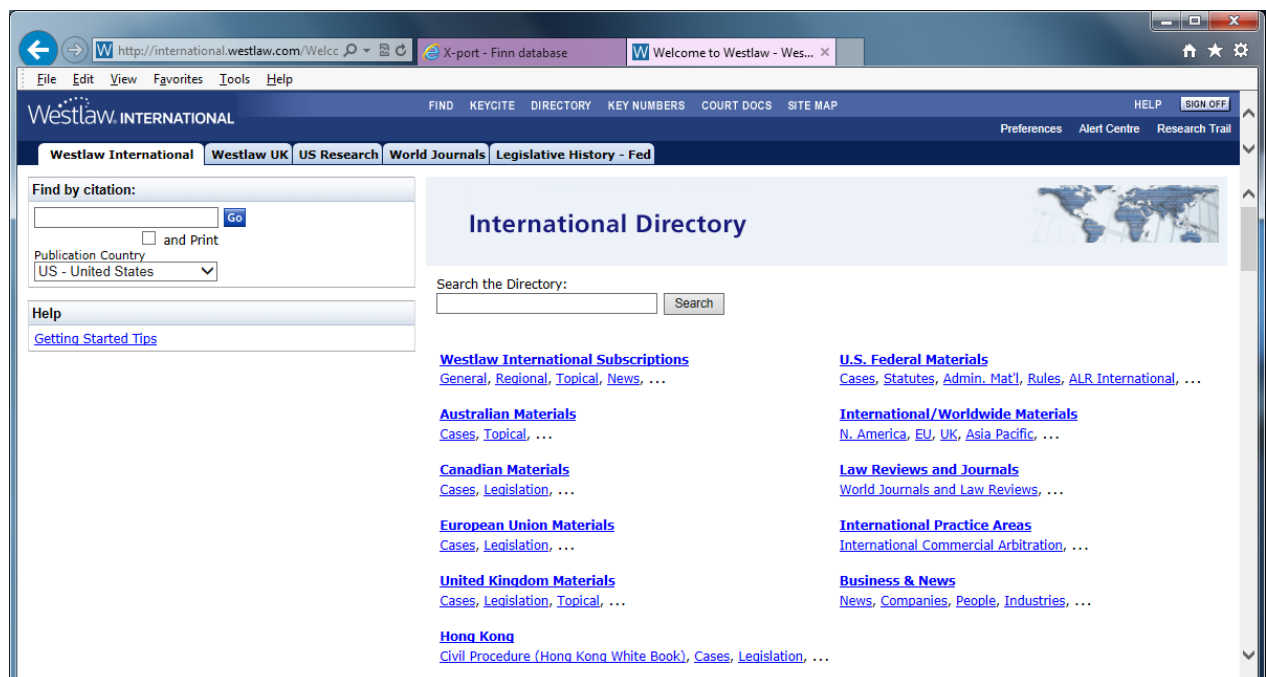
*(iv) National Case Law (includes Westlaw instructions)*

As with domestic law, copies of national case law can sometimes be found on line in English. The first place to look for this would again be on the country's Ministry of Justice web-page. However, there is another place to look for domestic case law - particularly Anglo-American case law - and that is Westlaw.

Westlaw is perhaps the largest online law directory in the world. It is the law directory that most US and UK law students use when searching for case law and statutes. It includes everything from US, UK and some international case law; as well as legal statutes from a range of countries, and a wide variety of international and domestic law journals. As such, it is probably also the most used legal directory in the world.

As a UiO student, you will have access to Westlaw International, and you can find the link to Westlaw if you search for 'Westlaw' in the UiO Library database (X-port): <http://www.ub.uio.no/english/>. You will then be redirected to Westlaw International, and first be asked to agree with the user terms.

After you have agreed to the user terms, you will be redirected to the user interface of Westlaw International:



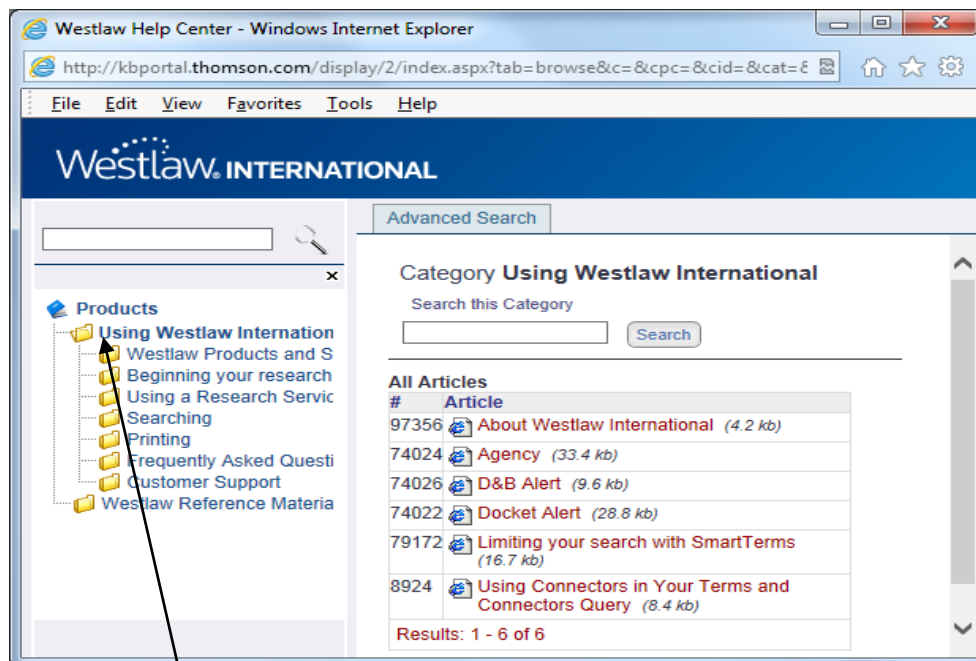
As you can see, Westlaw offers you access to a range of databases, including searching through domestic case law from some common law countries (primarily the UK and US). As such, if you would like to look at Anglo-American case law, Westlaw is the best place to do so.

Lets say you wanted to a look at EU legislation. You would then simply click on legislation option under ‘European Union Material’. You would then be able to search through a few databases with EU legislation



If you would like to use Westlaw, then I recommend that you spend some time familiarizing yourself with the search engine. Try looking at all the different databases available and see if any of them could be useful in your research.

If you need help finding something or help using the search engines, you just click on the help icon, and you will be able to find different guides on how to use Westlaw:



If you click on the file 'Using Westlaw International', then a lot of different help guides will be available.

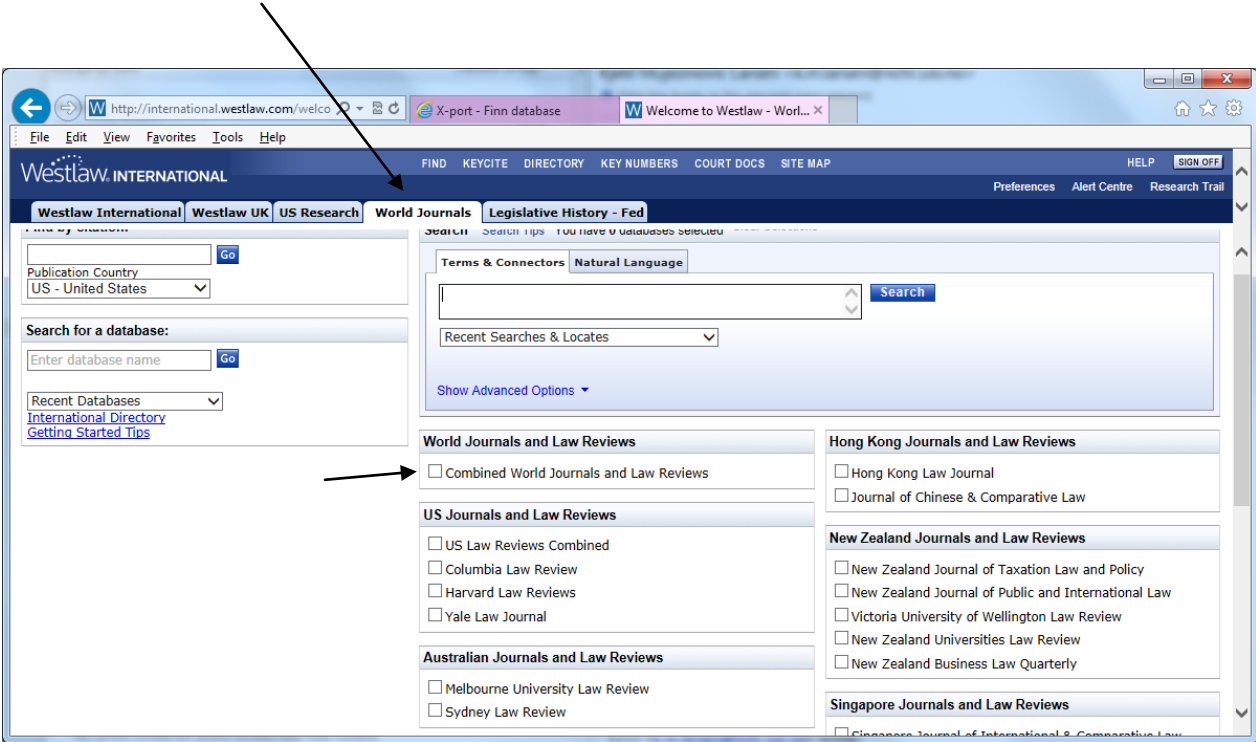
(v) *Journal Articles (Westlaw continued)*

When I am gathering research for a paper, I often like to begin my search for relevant academic literature by looking at journal articles. There are a couple of different reasons for this:

- a. As journals are published several times a year, journal articles are often the easiest place to find the most up to date literature on an area of law. As books take longer to publish, journal articles are more up to date on current developments in the law.
- b. Journal articles are shorter to read and skim through than books. A standard journal article is roughly 30 pages, which is much easier to skim through than a whole book.
- c. It is easier to search for articles. Although some search engine will display specific book chapters in your search results, not all do. This means that there might be a really relevant book chapter on your topic, but it could not come up as a hit when you search for key words in a library search engine. However, there exist plenty of really good search engines for journal articles. So journal articles are simply easier to search for.

Although there are a couple of different good databases for journal articles (like JSTOR or HeinOnline, both available at UiO), I prefer to use Westlaw when searching for articles in legal journals.

The Westlaw database has a vast and extensive collection of international law journals, and makes it very easy to search through all of them at the same time. You can access it by selecting the 'World Journals' tab on Westlaw:



To search you have to select a database, and I usually just tick the 'Combined World Journals and Law Reviews' box, which will allow you to search through Westlaw's entire database. There are a couple of different ways to search, but I usually just use a key words search or enter in the title of the journal article that I want. For more advanced search options, please read one of the help guides.

The great thing about Westlaw is that it also makes it really easy to download or email the articles that you find. All you have to do is to either click on the download icon, or the email icon, and then you can easily save your articles and read them as PDFs on your computer or tablet.



The screenshot shows a search result on Westlaw International. The article title is "Reimagining Child Soldiers in International Law and Policy" from the *European Journal of International Law*, 2013, 24(1), 449-452. The author is Mark A. Drumbl, reviewed by Leena Grover. The article is published by Oxford University Press in 2013. The search results sidebar on the left shows a list of documents, with the selected article highlighted in yellow. The main content area displays the article title, volume, and author information. The bottom of the page shows navigation tools and a "Go" button.

Westlaw has a strong focus on American law journals, but also has a good collection of international law journals as well. Sometimes it may not have access to the international law journal that you are looking for, but the name of relevant articles from journals that Westlaw does not have access to, will still come up in your search result. So if you get a search result with an article Westlaw does not have, you will be given the journal name, title of the article and the volume of the issue. This makes them easy to find in other databases. For example:

The screenshot shows a search result on Westlaw International. The article title is "Justice is interventionist: the political sources of the judicial reach of the Special Court" from the *International Criminal Law Review*, 2013, 13(1), 63-91. The author is Kenneth A. Rodman. The article is published by Thomson Reuters in 2013. The search results sidebar on the left shows a list of documents, with the selected article highlighted in yellow. The main content area displays the article title, volume, and author information. The bottom of the page shows navigation tools and a "Go" button.

As Westlaw is specifically designed for law students, it does not have many non-law journals. If you are interested in searching through non-law journals, HineOnline is a good option (also available from UiO).

*(vi) Academic Literature (The Footnote Technique)*

As I indicated above, journal articles are sometimes easier to search through and are also more up to date than what a book tends to be. So, when I start researching a new paper, I often start by finding a couple of good journal articles.

I will then read through these articles and pay close attention to both the cases and academic literature that are cited in the footnotes. If you do this, it will often become apparent what the important academic literature is on that subject. As such, the footnotes might be more useful than what is written in the article itself, because it will lead you to the important legal authorities that you will need to read for your paper. This is one of the best way to find good books when you are researching a new area of law. Another way is to do the same footnote exercise using the basic literature or text books that are on your course syllabus. I call this the footnote technique, and I use it all the time whenever I start any new research.

Otherwise, the best place to look for good books on your subject is in the library - and I would strongly encourage you to physically go to the library and have a look at the selection of books on offer for your area of law. The library itemizes its books thematically, so for example, all the books on international criminal law will usually be in the same place. As such, you should do a general search for books on your subject in the library catalogue (<http://www.ub.uio.no/english/subjects/law/law/index.html>), and then select a few books that look good - and then physically go and find them in the library.

Once you have found where they are in the library, I would then take the time to scan the titles of the books that are around or close to the books that you were looking for. Take interesting looking books down from the shelves and scan through the content pages, do any of the chapters look relevant to your topic? Some of the best sources that I have found for my papers have been discovered this way. Again, book chapters that are really relevant sometimes do not show up in search engines, and physically scanning though relevant books in the library may therefore lead you to find some really relevant book chapters.

If all else fails, and you are still struggling to find appropriate literature, I would ask a librarian for help. Librarians are wonderful people, who have really specialized knowledge of a whole range of legal literature; and if they don't know it themselves, they will know how to search for it. So ask one of the law librarians (very nicely and politely) for help in finding books, if you find yourself really struggling.

**Key Points:**

Use a wide variety of sources.

International treaties and case law from international courts can be found on line.

A good source for finding domestic law and legislation is Westlaw.

Good online databases for journal articles are: Westlaw, HeinOnline and JSTOR

When finding good academic literature, the footnote technique can be a great way to start.

## **E. How to Structure Your Research and Referencing**

*It is essential that you (i) structure your legal research from the very beginning, (ii) start writing early, and (iii) that you cite correctly during the course of your paper.*

Now that we have looked at how you can find different legal sources for your paper, let us move on to discuss how you should approach and structure your research.

The first thing that you should do is to create a system for saving the legal sources that you find. You do not want to find yourself having done a lot of research, only to find that you have lost some of the journal articles that you found, or that your research is so messy that you don't have a good grasp of what you have. So create a system for organizing your research early on in the process, and save yourself a lot of unnecessary grief later.

### *(i) How to Begin Your Research*

There are many ways of starting your research, however (as I indicated above) my favorite way of starting is to find a recent journal article on your topic, and then using it to get a feel for the major cases and academic literature on your topic - i.e. the footnote technique that I described in Part D (vi).

If you skim read a few recent journal articles and carefully look at the literature that it is being referenced in the footnotes, you will usually get a good feeling of what you should read next. If a case, book or article is referred to consistently, then this is a pretty good indicator that you should take the time to read it yourself. So once you have read a few journal articles, compile a list of the main literature that you found referred to in the articles that you read. This list is then the first step in your research, and will hopefully lead you to find the sources that you need.

If your paper focuses on one or several judgments, then another way to start your research would be to sit down and carefully read those judgments. Reading secondary analysis of the case law, before reading the case yourself, might prejudice your reading of the case. Hence, if a central component of your paper is a judgment, it might be best to start your research by thoroughly reading and reflecting on that judgment. After you have done this, you can then use Westlaw to search for journal articles on the judgment, and look to see if there are any book chapters also discussing the judgment.

### *(ii) Start Writing as Soon as Possible: Outline Your Paper*

Although we all have different approaches to the writing process, I would say that the most common mistakes that students make is to start writing too late. Many students will spend a great deal of time researching their papers, but not enough time actually writing it. My advise is therefore that you start writing as soon as possible.

The sooner you can commit something to writing the better. Most likely you will end up fundamentally changing whatever you write first, but the exercise of committing something to paper will hopefully get you into the writing mode. Don't feel like you have to keep anything you write early on, or that what you write needs to be any good. The goal is simply to get you writing. Nothing is scarier than the blank page, and having written a few lines early on, will make you feel much better about having to write this paper.

A good way to start the writing process is to create an outline of your paper. An outline should basically contain the title of each of the sections that you think will be in your paper. Hence writing an outline is kind of like writing the content page of your paper. Once you have a rough outline of your paper, with headings for the different sections that you think will be in your paper, you can start to fill in some of those sections.

So let us say that you know that you will need to write a section on the definition of terrorism in your paper. You could then start your writing by reading the different definitions of terrorism, and then jotting down a few lines on each one. Once you have started writing one section, you will find that it is so much easier to write another.

The main problem with starting to write later on in the process, is that you will most likely have forgotten the earlier research that you have read. If you start writing after you have done a lot of research, you will often find that you are going to have to go back and re-read things, because you are not going to remember what you read two weeks ago. As such, I would recommend that you adopt an approach where you do some research, then write a section, and then go back and do more research. I call this an integrated research and writing approach.

### *(iii) Adopting Integrated Research and Writing Cycles.*

An integrated research and writing approach is where you spend some time doing research and reading, and then write the corresponding section of your paper; then repeating this cycle until you have finished writing the main body of your paper. Committing to such writing cycles is, as argued above, a much more effective way of writing your paper.

You will still begin your paper by spending some time reading and researching background information on your topic; but then as soon as possible, you will try to start these reading and writing cycles.

The main advantage of this approach is that you will hopefully start writing sooner, and start writing more effectively. The other main advantage is that this also allows you to adjust your research as you are writing. Sometimes you do not realize that you have blank spots in your research before you start writing. For example, you might be writing a paper on terrorism and not realized before you started writing, that you will have to spend at least one section of your paper defining what terrorism is.

If you start writing early, you will discover any such sections that you are missing, and then be able to go back and do more research at once. Likewise, it is only once you start writing that you will be able to see if you need more research in certain areas. If you are doing cycles of reading and then writing, you will be able to go back and do more research immediately upon discovering that you need more sources.

When you start writing early, you can also start filling in the footnotes to the references that you are using, when they are still fresh in your mind.

### *(iv) Referencing and Footnoting*

A good paper is one that is well references, and draws from a wide variety of reputable sources. As such, you will need to cite your research in your paper for good marks. This is

also important in terms of plagiarizing, as any unreferenced citations is (as I am sure that you all know) a form of plagiarism.

A lot of students make the mistake of going back and doing their footnoting only when they are readying their paper for submission. Don't do this. Nothing is worse than reading over your paper and finding a lot of empty footnotes, or notes to yourself that you have to insert a citation here. Chances are, that by the time you are going back over your paper, you will have forgotten which book or article you were referring to. That will usually make you feel very sad and stressed. So don't do this.

Rather do your footnotes or referencing while you are writing. When you are writing, immediately insert the correct citation and then add the book/case/law or statute to your bibliography. Doing this will save you so much time later on, and this again goes back to properly organizing your research from the very beginning. You will lose a lot of points if the examiner finds that you have referenced incorrectly, so it is important to get this right.

There are a couple of different ways to reference your sources, and unless your Professor has specified that they want you to use a certain method, you are free to use the one that works best for you. For a guide on how to reference, please read this UiOs guide: [http://www.uio.no/english/studies/summerschool/guidelines/pdf/citation\\_mla.pdf](http://www.uio.no/english/studies/summerschool/guidelines/pdf/citation_mla.pdf)

### **Key Points:**

Begin your research by using the footnote technique, and use that to build your list of sources.  
Start writing early!  
Outline your paper.  
Adopt research and writing cycles.  
Footnote and cite correctly.  
Adopt a consistent referencing system.

## F. Paper Structure

*A good paper is a well structured one, so make sure that your paper has a clear introduction, body and conclusion; and use headings.*

Although it might sound both obvious and patronizing to say that your paper will need a well defined introduction, body and conclusion; you would be surprised at the amount of students who get this wrong.

As we discussed above, you should begin your writing process by making an outline of your paper. In this outline you should include a good, easy to follow structure. An examiner will read a lot of papers, and will find your paper difficult to follow if you do not have a good structure, and if you do not use headings. A good use of headings will hopefully make your paper easier to follow for your examiner, and might consequently lead to a better grade. On the other hand, if your paper has a poor structure, you will undoubtedly be marked down, so don't lose unnecessary marks because of this.

Your paper should start with a table of contents. Before you hand in, it is always wise to check that the titles in your table of contents actually match the structure of the paper that you have written.

### *(i) Introduction*

A good introduction seeks to accomplish several goals, the most important of which is to give the reader a clear road map of what you want to accomplish in your paper. So in your introduction you need to clearly and succinctly introduce the reader to your topic or thesis, and then tell the reader what issues you will be addressing and how you will be addressing them.

The second goal of your introduction is to explain to your reader why the topic that you are exploring is important. You want to capture the reader's attention and impress upon the reader why the paper topic that you have chosen is an important one. Finally, you should also indicate in your introduction what your paper will contribute to the topic that you are writing on. In other words, you want to explain in your introduction what your added value will be.

You don't want your introduction to be a short summary of your entire paper, but you want it to outline the issues that you will explore, and how you will be exploring them; while at the same time capturing your reader's attention and hopefully enticing them to read more. So in short, you want to give the reader just enough information to understand your paper.

So an introduction should:

Articulate the issue to be explored

Describe why this issue is important

Maybe highlight what your personal contribution will be to this topic (your added value)

Outline the road map of your paper

As you can see, writing your introduction will require you to know how your paper is going to be structured and how it will conclude. As such, you will probably end up finishing your introduction at the very end of your writing process. A good tip is therefore to go back and

adjust your introduction to fit the final outcome of your paper, after you have finished writing the conclusion. If you don't do this, you risk your introduction outlining a paper that is different from the one that you have written. This will cause you to lose marks.

### *(ii) Methodology*

Depending on the type of paper that you are writing, it may be necessary for you to explain what type of methodology that you are going to use during the course of your analysis. If this is the case then you should give an account of your methodology early on in your paper.

Your methodology section should basically address the methodological issues that your research question raises, and then outline how you will address these issues. In this section you will also describe the legal sources that you are using in your paper, and give an overview of the legal standards and procedures that you will be applying.

The traditional approach to research methodology in law is the so called 'black letter' methodology. Black letter methodology is where you concentrate on the letter of the law, and aim to produce a descriptive analysis of the legal rules, by relying on primary sources (like legislation and case law). If you use this methodology, you will normally try to interpret case law and legislation, and then analyse how they fit into the legal framework of this area - perhaps with a view to offer commentary on the emergence of a legal rule or what the significance of this legislation/ case law is.

A good book on legal research methodology is: *Research Methods for Law* (2007) edited by Mike McConville and Wing Hong Chui. This book is available online from the UiO catalogue:

<http://web.ebscohost.com/ehost/detail?sid=37151c3d-0d11-4ed5-8470-43404d12bba4%40sessionmgr113&vid=1&hid=124&bdata=JnNpdGU9ZWhvc3QtbG12ZQ%3d%3d#db=nlebk&AN=205521>

If you feel that you need to use a specific methodology that is not strictly legal (like quantitative or qualitative research methods), it might be best to first consult with your Professor for guidance.

### *(iii) Main Body*

There are many different ways of structuring the main body of your paper, but here is some general advice. The main body of your paper will normally follow three steps: (i) outlining the relevant background facts and legal doctrines, (ii) analysis of issues, and (iii) your added value.

#### a. Relevant Background Facts and Laws

Before you can properly begin your analysis, you will normally need to explain the relevant legal frameworks that you will be analysing and any relevant background facts. Explaining the legal framework is where you introduce your reader to the case(s), international treaties or legislation that you are analysing. Often times you will also need to introduce your reader to the context of these cases/law or how the issue that you are discussing came to be relevant.

However, remember that the key word here is *some* background information. Do not fall into the trap of spending the whole body of your paper summarising the law and background facts. So many students fall into this trap, and fail to spend enough time on their legal analysis. Don't do this. You are primarily being marked on the quality of your analysis, not your ability to summarise background facts. So a paper that spends all of its time on background facts will get a poor mark.

The reason that so many students make this mistake, is probably because you are usually sitting on a wealth of information after you have finished your research. As such, it is tempting to include all of this information and research in your paper. However, a lot of this information is not going to be directly relevant to your thesis, nor is it necessarily going to add to readers understanding of your analysis.

So when you are writing this section, make sure that you constantly ask yourself whether the information that you are including helps the reader to understand your topic. If the answer is that it does not, delete the information from your paper. You need to be selective about the information that you include, so be strict with yourself from the very beginning!

This will hopefully also prevent you from spending too much time on your background information sections, as what you want to be spending the bulk of your time on, is the analysis sections.

#### b. Analysis of Issues

This should be the most important part of your whole paper. It is difficult to give good general advice on how to write this section, as the nature of your analysis will depend on the type of paper that you are writing.

However, for a law paper, we can generally say that this is where you draw analytical lines between the different legal sources that you are looking at, and then analyse the meaning of your findings. For example, if you are looking at a specific area of law to show that the law in this area has changed, you would spend your analysis drawing points of comparisons between the recent case law or legislation that points to this development.

Another way to look at this would be to say that your analysis is where you show the proof of your claim. If you are writing a paper where your central topic is that the law in this area is inadequate or in need of reform, then this is the central claim that your paper is trying to prove. The analytical sections would be where you prove (through your analysis) that your central claim is true. What analytical arguments can you present that will convince your reader that the area of law you are discussing needs reform etc.?

Ideally, your analysis will be attempting to prove your central claim, and then you can spend the last few paragraphs of your paper articulating your own personal conclusions or recommendations on this claim (i.e. your added value).

#### c. Added Value: Your Conclusions or Recommendations

As we have discussed before, we would like you to be able to articulate some sort of added value during the course of your paper. Your added value is your unique analysis or recommendations on the issues that you are discussing. The easiest way to do this, is to write



a few paragraphs directly following your analysis, where you make come with your own recommendations or conclusions.

In essence, your conclusions or recommendations will propose your solution to some of the problems or issues that you have highlighted during the course of your analysis. So for example, if you have spent your paper illustrating how a certain area of law is deficient, you then spend a few paragraph giving some of your own ideas and thoughts as to how you can improve this deficiency. Or if you have shown that the law on your topic is evolving, you can share your ideas as to how you believe this new legal framework should be structured, or what the new law should be.

This is a masters level paper, so we are not expecting you to invent some brave new legal doctrine, only that you come with some simple ideas as to how you would fix or develop whatever issue that you have discussed.

#### *(iv) Conclusion*

A good conclusion restates the topic of your paper and then summarizes the major points that you have discussed - all while reminding the reader of why the topic is important. Keep it that simple, and do not make it too long. It should not be a restatement of your entire paper.

#### *(v) Bibliography and Annexes*

As with any other research paper, you need to include a bibliography with all the sources for your paper. Again, make sure that you are referencing correctly, as examiners can be merciless in deducting points for incorrect citations in a bibliography.

You may also consider annexing some of your sources. If your paper is in large parts based on certain legislation, it may be an idea to have the relevant portions of that legislation excerpted as an annex. Likewise, if you are relying on a map, diagram or visual representation, you should probably include them as an annex at the end of your paper.

### **Key Points:**

Make sure that your paper is well structured, and uses headings.

Your conclusion should give the reader a road map of your paper, explain why your topic is important, and hopefully entice them into reading more.

Don't spend too much of your body on background information or facts.

Rather spend the bulk of your time focusing on the analysis and added value sections.

Make sure that the references in your bibliography are done correctly.

## **G. Readyng Your Paper for Submission**

Once you have finished writing and are about to hand in your paper, there are a few things that you should ask yourself.

1. Does your paper fit the specifications set by the Professor?

This sounds very basic, but somehow some students always get this wrong. So when you are readyng your paper for submission, it is important that you double check that your paper meets the specifications that were set by the Professor.

The important things to keep in mind here are that the paper is the correct length, has a consistent referencing style (or the one preferred by the Professor), and is formatted in the template that is provided by UiO. If any of these things are done incorrectly you could stand to loose substantial marks, or not have your paper accepted.

2. Are your footnotes and bibliography correct?

Professors are very good at zooming in on citation mistakes and a poor bibliography; and this is consequently an easy way to loose marks (maybe even to get accused of plagiarism). As we have discussed, make sure to do your footnoting correctly from the very start, as this will save you a world of grief.

As you are about to hand in your paper, also take the time to thoroughly read over your footnotes and correct any mistakes that you may find. Spelling mistakes and poor sentences often hide themselves in a hastily written footnote, so remember to read over you footnotes too.

3. Does your title accurately reflect the paper that you have written?

Some of you may have titled your papers early on in the writing process, it is therefore good to go back and check that your title still makes sense for the paper that you have actually written. Would you say that you have properly answered to question or problem highlighted in your title? If not, you better change it.

4. Does your introduction and conclusion match?

As we discussed earlier, it is often a very good idea to go back and tweak your introduction once you have finished writing your paper. It is important that your introduction outlines the actual road map of your paper, and not the intended road map that you had outlined before you started writing.

Another important thing to check is that your conclusion and introduction match. A cohesive, well written paper will have a sense of continuity running from the introduction to the conclusion. So look over your introduction and conclusion to see that they match.

5. Do the sentences in your paper make sense if you read them out loud?

An exercise that I try to do before submitting any written work is to read what I have written to myself, out loud. Often when you have worked on a paper for a long time, you no longer

read the sentences fully, because you know them so well. This might mean that you accidentally miss sentences that do not make any sense, or where you have made spelling or grammar mistakes.

As silly as it sounds, reading your paper out loud to yourself, is a great way to catch such errors; as the exercise of reading your text out loud will make the text new and clearer to you. Although this may be a little time consuming, it is a great way to iron out any badly written sentences or to find grammar or spelling mistakes that you have missed.