Jump-Starting Your Research Paper at the BC Law Library

Where should I start?

Often the best starting tactic is to slow down and just think about your assignment. Try to get a handle on what your professor is looking for in a research paper. If you determine that a lively discussion of a cutting edge, unsettled area of law is your goal, you should head in a very different direction to find your topic than you would if a detailed, historical overview on a particular point of law is your desired ending point. For the sake of efficiency and clarity, it is important to take the time to sort this out—often with the help of your professor —on the front end of the research process.

Any basic tips for finding a good topic?

As a general matter, you want to find a topic that interests you and that offers something new to the field of scholarship in which you are writing. If your topic intrigues you, you are more likely to enjoy the process of researching and writing it, and, as a result, are more likely to wind up with a dynamic, interesting work product. Furthermore, you want to address something that has not been written about exhaustively. Consulting with your professor before committing yourself to your research topic will be a productive beginning. Approach this meeting with two possible topics or ideas. You might find that your professor has already read hundreds of papers on a topic that seems interesting and novel to you. Perhaps he or she can provide other suggestions or help you think of a twist that turns that stale topic into something new and engaging.

What are some specific methods that I can use to identify a workable, interesting topic?

- ACS Researchlink – The American Constitution Society runs an innovative project to match research topics suggested by practitioners with law students seeking research paper topics. See http://researchlink.acslaw.org/ Note that topics are not limited solely to those suitable for a constitutional law class writing assignment;
- Browse through BNA’s U.S. Law Week (available as a link from the Law Library’s list of databases and also available on LexisNexis and Westlaw). This source covers breaking developments on the federal and state levels;
- Check appellate briefs (available through Westlaw for state and federal courts; available on LexisNexis for federal courts) filed in recent controversial or novel cases. What arguments were advanced in these briefs and what legal authorities were cited?
- Keep an eye on major periodicals, such as the New York Times, the Washington Post, and the Wall Street Journal, for information on current legal trends and issues. If your goal is to write about a cutting edge area of law that is garnering significant interest in the general public, these can be valuable sources for finding an appropriate topic;
- Look through general legal periodicals, such as National Law Journal, Massachusetts Lawyers Weekly, Findlaw Legal News, Jurist Legal News, all of which cover the latest developments in all areas of law including pending legislation, recent regulatory and executive actions, and litigation;
• Keep an eye on topical legal periodicals, such as the Massachusetts Family Law Journal or BNA’s Environment Reporter, if you are searching for a good topic in a particular subject area. The BNA publications are linked from the Law Library’s database list; these titles cover a wide range of legal topics. Many of these periodicals are available in hard copy in the library and online.

• Think back on cases that you read for class that you noticed were unpersuasive or that left important questions unresolved. This can be a good way to mine for topics that allow you to persuasively argue for a change in the law or to recommend a particular path for legal development;

• Read the questions listed in casebooks after each case. These questions often identify interesting unresolved problems that you can then explore in your paper;

• Read recent Supreme Court cases in fields that interest you, and note whether they leave open major issues or create ambiguities;

• Ask faculty members and practicing attorneys which areas of the law they think have been unduly neglected by scholars;

• Check the Westlaw Bulletin (WLB), Westlaw State Bulletin (WSB-CA, WSB-NY, etc), and Westlaw Topical Highlights databases. Comparable sources on LexisNexis include Headline Legal News, Mealey’s Legal News and All Mealey’s Publications and Court News. These databases quickly summarize new legislation and noteworthy recent cases, many of which contain legal developments that might be worthy analyzing;

Where should I look if I decide to or am told to write about a circuit-split?

Major legal issues that have been resolved differently in at least two federal circuits are good issues to explore in research papers. Such issues allow the writer to discuss the history of the legal issue, explain the current state of the law, and then make an argument for how the U.S. Supreme Court should resolve the inter-circuit disagreement. There are several methods you can use to find circuit-splits:

• U.S. Law Week: this BNA weekly publication offers a national survey of current developments in virtually every area of the law and includes a section entitled “Circuit Split Roundup” prepared on a monthly basis. U.S. Law Week is available on Law Library’s list of databases, LexisNexis (USLW), Westlaw (BNA-USLW), and in print.

• Seton Hall Circuit Review. Available on LexisNexis and Westlaw. This law review, which began in 2005, includes a “Current Circuit Splits” column. It is arranged by topic under civil and criminal law categories.

• Case law search on LexisNexis or Westlaw: search the database for US Courts of Appeals Cases, combined. Sample search: court or circuit w/s split and [date restriction]

1 The tips in these last five bullet points came from Eugene Volokh, Academic Legal Writing: Law Review Articles, Student Notes, and Seminar Papers 11 (Foundation Press, NY: 2003).

2 See also the University of San Francisco Law School Specialized Research Guide #8 at http://www.usfca.edu/law_library/findtopic.html#Splits
- **Selected Legal News on LexisNexis**: search the Legal News, Current (LEGNEW; CURNWS) database or the ABA's Preview of United States Supreme Court Cases (ABA; PRE-VU) database

- **Selected Legal News on Westlaw**: search the databases Legal Newspapers (LEGALNP), National Law Journal (NLJ) or the ABA's Preview of United States Supreme Court Cases (SCT-PREVIEW).

- **American Law Reports** (on LexisNexis and Westlaw): consider searching the ALR by subject or keyword for any annotations related to your topic. Most ALR annotations indicate when there is a conflict among jurisdictions.

- **Split Circuits Blog**: available at [http://splitcircuits.blogspot.com](http://splitcircuits.blogspot.com) is dedicated to tracking developments concerning splits among the federal circuit courts. The blog is maintained by Professor A. Benjamin Spencer, Washington & Lee University School of Law.

**What are some other helpful sources to consult to help me find a topic?**

- **SSRN**: The Social Science Research Network serves as a clearinghouse for new scholarship by law professors. As a student at BC Law, you have free access to SSRN; you can register at [www.ssrn.com](http://www.ssrn.com). Many scholars post their forthcoming work here; you will find cutting edge scholarship using this database before the articles appear in law reviews.

- **Search full-text law review databases**: On LexisNexis, use the “Law Reviews, CLE, Legal Journals & Periodicals, combined” database (LGLPUB) or the “US Law Reviews and Journals, Combined” database (ALLUS); for Westlaw, use the “Journals & Law Reviews” (JLR) or “Texts & Periodicals—All Law Reviews, Texts & Bar Journals” (TP-ALL) databases.

- **Search the Current Index to Legal Periodicals (also known as Legal Resource Index) and set updates**: this index, available on LexisNexis (LGLIND) and Westlaw (LRI), is a weekly topical list of citations to new law review articles. Articles will be indexed here right after they are published but before they appear in other indexes or full-text databases. To ensure that your research is up-to-date, check CILP on a weekly basis or set up a WestClip search on Westlaw or an Alert search on LexisNexis to run automatic searches and notify you of any hits.

- **Search book catalogs**: search QUEST (Boston College Libraries Catalog) for your topic, as well as WorldCat, a shared library catalog containing over 1 billion bibliographic records. For other catalogs, see the BC Libraries’ website.

**BOOKS**


LAW REVIEWS/ARTICLES

Heather Meeker, Stalking the Golden Topic: A Guide to Locating and Selecting Topics for Legal Research Papers, 1996 Utah L. Rev. 917. This article includes tips on how to find the right topic to write about and how to conduct preemption research to determine if the topic you are interested in is the topic of an existing article.

Richard Delgado, How to Write a Law Review Article, 20 U.San Francisco L. Rev. 445 (1986). This article is based on a speech to law professors and offers advice on the entire writing process – from choosing a topic to sending out reprints of the published piece.

BLOGS

ABA Journal Blawg 100. Links to the top 100 blawgs written by lawyers and for lawyers.

Jurist. Covers legal news, law school news, and more.

Law Professor Blogs. Hosts multiple blogs covering subjects from Antitrust to China Law to Wills, Trusts, and Estates.

Ninth Circuit Blog. Offers case summaries and commentary by defenders of the Ninth Circuit.

Don’t forget...
The BC Law legal information librarians are here to assist you. Need more help? Drop by the Library’s Information Desk or call 617-552-4434 or jot down an e-mail message to lawref@bc.edu or send an IM.

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