



STRATEGIES FOR OUTLINING YOUR SCHOLARLY PAPER¹

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Outlining is more than just another box to check off in the writing process. An outline is the comprehensive plan for your scholarly paper; it pulls together a broad array of sources and ideas into a coherent framework organized to support your thesis. Outlining can help you to refine your argument and ensure you have an effective organizational structure as you move into the drafting phase.

This handout provides general outlining strategies. However, the most important part of outlining is finding a writing process that works for you. Some writers spend minimal time outlining but devote more time to a first draft. Others outline extensively, including full sentences that will be used in their final paper. As you work to develop the strategy that works for you, consider the following questions.

What should my outline include?

At its core, an outline should provide a coherent framework that forecasts what you will be discussing in your paper. Different writers use different strategies: outlines can include long, detailed notes that document the progression the paper will take. They can also be brief, with headings and bullets that synthesize the main points of your paper.² Whatever form it takes, an outline should allow you to focus your thought, reveal gaps in your analysis that must be dealt with, and inspire new ideas that were not previously clear to you.

Your outline will change throughout your writing process as your argument takes shape. Start on an outline early, and do not feel obligated to jump straight into a more detailed outline; an early outline may only include your main points. Your outline will become more detailed as additional research allows you to fill out your analysis and the sources that support each argument. Additionally, do not feel wedded to your initial outline—it can change as you continue researching and begin writing. You may also create multiple outlines to experiment with different structures for your paper.

¹ Updated by Garrick Donnelly and Katie Parker. Originally written by Peter Carey, based on a handout by Colin Huntley and Mindy Barry.

² Some writers may choose not to outline at all and instead skip right into writing their first draft. They then use this first draft to clarify and refine their argument and organization.

For an example framework to start building your outline, see the end of this handout. However, note that there is no standard format for an outline, and you should use the format that works best for you (or the format assigned by your professor).

How should I organize my outline?

Organize your outline around issues, arguments, and analysis – not sources. While you should take notes on each source you read, these notes are not an outline, because your paper is not a book report simply summarizing different sources. Do not simply lump in source titles or notes where they fit chronologically in your paper. Instead, the goal of your outline should be to help you to integrate information from a variety of sources and organize it to support your thesis. In the same way that legal analysis in a brief or memo should be built around specific assertions, not summaries of cases, a scholarly paper should be organized around arguments and issues supported by a range of authority. Your outline should reflect this organization.

When should I outline?

Some students may choose to draft an outline as soon as they select their topic and before conducting any research. Drafting an outline before you research can help inform your research plan³ by helping to identify the substantive areas you need to cover. Other students may choose to outline after they have conducted baseline research and have a more solid idea about what they want to discuss. With this approach, you can pull out the themes identified in your research notes and use them to structure your argument.

Regardless of when you begin, you should continue to refine and update your outline as your research progresses. Chances are that the knowledge you gain through your research will shift the content and structure of your argument. For example, a source may identify a counterargument that you want to address in your paper, leading you to add a new section. Perhaps after reading more scholarship on your topic, you realize there is a simpler way to present the issue, leading you to reorder sections. Or perhaps you realize the issue you are discussing was not as clear cut as you first believed, so you will need to add more background information for the reader to follow along. Returning to your outline as you go can help you experiment with these different options. Reviewing your outline also helps you to identify any gaps in your research or outstanding questions you need to address.

³ A research plan is different from your outline. A research plan is a document that maps out your strategy to develop the horizontal and vertical knowledge you need to support your argument. Your research plan may include information such as potential search terms or a list of the materials and databases you plan to consult. For more information on how to develop a research plan, consult the following handouts: [The Art and Craft of Strategic Legal Research](#); [Legal Research Resources at GULC and Beyond](#); and [You Have Your Topic. Now Get the Research Done](#). See also JESSICA WHERRY & KRISTEN MURRAY, *Preparing: Developing Horizontal and Vertical Knowledge*, in SCHOLARLY WRITING: IDEAS, EXAMPLES, AND EXECUTION 53-84 (3d ed. 2019).

When you think you are finished researching and ready to begin drafting, step back and look at your outline. With all your research fresh in your mind, ask yourself whether there is anything missing. Also ask whether there is anything in your outline that is not necessary to support your thesis—after countless hours of research, it is easy for unnecessary background information or analysis of tangential issues to make its way into your paper and detract from your core analysis. Once you settle on the appropriate issues to include, apply your newfound expertise on the topic to consider the most effective way of ordering and organizing the analysis of these issues. Revising your outline can help you make decisions about changes to your whole scale organization, allowing you to test new organizational structures before tinkering with the order of your draft.

How should I use my outline?

In addition to using your outline to reflect on your own research (as described above), you can also use your outline to get feedback from others before moving to the drafting stage. If not already required, consider setting up a conference with your professor to go over your outline. Your professor will likely have helpful suggestions regarding the substance of your argument, additional sources to consider, or alternative organizational structures to try. You may also consider workshopping your outline with peers (including at the Writing Center) or professional contacts knowledgeable about your topic area. It is often easier to ask someone to review an outline than an entire draft. Moreover, getting feedback at this stage will allow you to address concerns before you begin drafting, at which point it can be more tedious to switch to a new structure. Once you do begin drafting, you can use your outline to organize your writing.

As noted at the start of this handout, however, what is most important about how you use your outline is to find a strategy that works for you. Outlining is an important process for many writers, but there is no right approach. Experiment until you find the process that works for you.

Appendix: Sample Outline Framework

If you are a student tasked with creating an outline, you may find it helpful to consult examples. The challenge is that every outline will vary based on the content of the argument and purpose of the paper. As such, it is difficult to provide one sample outline without being overly prescriptive. On the other hand, generalized sample outlines without more context on the substance of a particular paper lack enough detail to be useful. With that in mind, the sections that follow provide a high-level overview of a framework you may use to start your outline and describe how you might adapt this basic structure to different paper formats. For more detailed sample outlines, students may review the cited books that provide a more in-depth overview of different outline structures.⁴

Core components of an outline

Your outline should reflect the components and structure of your paper. Scholarly papers tend to have the same basic structure.⁵ At minimum, they move from an introduction through background and analysis sections to a conclusion.⁶ See below for brief descriptions of each of these components.⁷

INTRODUCTION

Use the introduction to establish context, state your thesis, and provide a roadmap for the rest of your paper.

BACKGROUND

Use the background section to provide a thorough, yet focused, summary of any information the reader needs to understand the analysis.

ANALYSIS

Your analysis puts forth the arguments in support of your thesis. The structure of your analysis and the number of sections you include will depend on the nature of your topic and the purpose of your paper (see the section of this appendix on “adapting your outline to different paper purposes” for more information).

CONCLUSION

Depending on your topic, you may use your conclusion to summarize the problem your paper discusses and any proposals or solutions (and their viability and potential ramifications) you identified to that problem.

⁴ See ELIZABETH FAJANS & MARY R. FALK, *SCHOLARLY WRITING FOR LAW STUDENTS: SEMINAR PAPERS, LAW REVIEW NOTES AND LAW REVIEW COMPETITION PAPERS* 86-90 (5th ed. 2017); see also WHERRY & MURRAY, *supra* note 3, at 100 (sample outline for a case comment); 99, 153-56 (sample student note outlines).

⁵ FAJANS & FALK, *supra* note 4, at 83; see also WHERRY & MURRAY, *supra* note 3, at 86.

⁶ *Id.* However, casenotes also typically include a “statement of the case.” For more information on casenotes, see EUGENE VOLOKH: *ACADEMIC LEGAL WRITING: LAW REVIEW ARTICLES, STUDENT NOTES, SEMINAR PAPERS, AND GETTING ON LAW REVIEW* 38 (5th ed. 2016).

⁷ Adapted from FAJANS & FALK, *supra* note 4, at 83 - 85; WHERRY & MURRAY, *supra* note 3, at 86.

Note that your paper might have additional components. For example, a casenote will include a “statement of the case.”⁸ Additionally, your analysis may be broken down into multiple sub-sections. Your decision as to what goes into your outline will depend on your topic. As you develop your outline, think through the different components that you need to support your argument. Also note that your outline should include the specific details of your argument (i.e., rather than simply stating that a given section will contain “analysis”).

Basic outline format

The goal of your outline should be to show the arc of your argument. To that end, it can be helpful to include headings that describe the core contentions that you will be making in the different sections of your paper. Below these headings, you can provide language describing what you are planning to discuss, draft topic sentences, subheadings, bullets, or a list of the sources you plan to cover. This basic format is below:

INTRODUCTION

[Insert description of what you will cover in your introduction. This should include a statement of your thesis]

I. [PART ONE HEADING]

A. Section Heading

[Insert description of content that will go in this section]

1. Subheading providing further detail

[Insert additional information and subheadings as needed]

2. Subheading providing further detail

[Insert additional information and subheadings as needed]

[Repeat sections as needed]

B. Section Heading

[Insert description of content that will go in this section]

1. Subheading providing further detail

[Insert additional information and subheadings as needed]

2. Subheading providing further detail

[Insert additional information and subheadings as needed]

[Repeat additional **PARTS** and Sections as needed for your analysis]

...

CONCLUSION

[Insert description of your conclusion section.]

As you draft your outline, you can fill in the details of your argument. As noted above, this can take different forms. Some students opt to outline in a narrative format, drafting

⁸ FAJANS & FALK, *supra* note 4, at 83.

paragraphs that explain what they plan to argue in that section. Other students find it helpful to fill in bullet points beneath the subheadings. Note that you should follow any formal requirements provided by your professor.

Adapting your outline to different paper purposes

Established organizational paradigms—basic, recognized patterns of reasoning—can help you organize your analysis.⁹ You may consider structuring your analysis around common paradigms if your arguments correspond naturally with them.¹⁰ Reviewing these different paradigms can help you identify potential structures for your outline.

Three common organizational paradigms are the problem-solution pattern, comparative paradigms, and the cause-and-effect pattern.¹¹ The problem-solution pattern is the most common organizational paradigm in scholarly legal writing.¹² Consider using this paradigm if you have identified a problem and would like to propose a solution, such as a new rule or a legislative solution.¹³ Comparative paradigms can be helpful when you want to argue in favor of one option among competing alternatives.¹⁴ For example, topics that involve balancing parties' interests or choosing between policy approaches may correspond with a comparative paradigm.¹⁵ Finally, you may use the cause and effect pattern if, for example, you are analyzing the effects of a change in the law or predicting how the law will develop.¹⁶

For additional information about these organizational paradigms and example outlines for each, *see* ELIZABETH FAJANS & MARY R. FALK, SCHOLARLY WRITING FOR LAW STUDENTS: SEMINAR PAPERS, LAW REVIEW NOTES AND LAW REVIEW COMPETITION PAPERS 86 - 90 (5th ed. 2017).

⁹ ELIZABETH FAJANS & MARY R. FALK, SCHOLARLY WRITING FOR LAW STUDENTS: SEMINAR PAPERS, LAW REVIEW NOTES AND LAW REVIEW COMPETITION PAPERS 66, 68 (3d ed. 2005).

¹⁰ FAJANS & FALK, *supra* note 4, at 86.

¹¹ *Id.* at 86-90.

¹² *Id.* at 86.

¹³ *Id.*

¹⁴ *Id.* at 87.

¹⁵ *Id.*

¹⁶ *See id.* at 90.