



## YOU HAVE YOUR SCHOLARLY PAPER TOPIC, NOW . . . GET THE RESEARCH DONE.<sup>1</sup>

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The key to the research process is being *thorough* without spending so much time researching that you lose valuable writing time. Below you will find (I) some tips to help you conduct research for your scholarly paper and (II) some tips for knowing when to pause researching and start writing. One important thing to keep in mind before diving in is that the library is your biggest resource for conducting researching. If you ever find yourself in need of any guidance, it cannot be overemphasized just how helpful the librarians are.

The purpose of research for a scholarly paper is to develop and document your thesis. Research for your paper will likely involve more than simply assembling and applying the rule of law in a particular jurisdiction, as you might do for a memorandum. You have a lot of flexibility in designing a research strategy and selecting sources to consult.

### I. ENSURING THOROUGH RESEARCH

#### A. Getting Started

##### 1. Formulate a Research Strategy

The pool of sources on which you can rely in a scholarly paper is generally much broader than that of a research memorandum. With so many possibilities, it is easy to get endlessly sidetracked. Formulate a research strategy to avoid this pitfall. Your research strategy should incorporate two considerations: (1) the sources you want to consult and the order in which you expect to consult them, and (2) your deadlines for research and writing—both self-imposed and externally imposed. If you do not know what sources to start off with, that's okay, we address that later and the librarians are always there to help as a starting point. *Commit your research strategy to paper, write it down, and consult it often as you proceed.* That way, diverging from the plan requires a conscious decision on your part.

First, the goal in formulating a research strategy should be to decide what you're looking for and where you will look—before you start doing searches in Westlaw or Lexis. Prioritize the sources you plan to consult. Part I of this handout will help you formulate this part of your research strategy. As you execute your research strategy, keep notes about where you have already looked and what you found there so that you won't redo work. One way to keep your research organized is to create a research log. You should design this research log in a way that makes sense to you, but helpful things to incorporate include where you found the source, how you found the source,

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<sup>1</sup> Original work done by Laura Klein with assistance from Georgetown Law librarian Sara Sampson. Revised by Kelsey Handschuh in 2026 with assistance from Georgetown Law librarian Jill Smith.

what you found, and why you are examining the source. Here is an example using Google Sheets to collect sources:

| Point This Supports | Page | Important Quotes/Points                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Source                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Internal Citations to Other Sources                                                                                                                                                                                          | Search Tools           |
|---------------------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Surveillance        |      | Democratic lawmakers and civil rights groups say the agency's expanding use of its surveillance tools infringes on privacy and free speech rights of immigrants and U.S. citizens alike.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Eva Dou, Artur Galocha, & Kevin Schaul, <i>The powerful tools in ICE's arsenal to track suspects — and protesters</i> , Wash. Po. (Jan. 29, 2025, 5:00 ET), <a href="https://www.washingtonpost.com/technology/interactive/2026/ice-surveillance-immigrants-protesters/">https://www.washingtonpost.com/technology/interactive/2026/ice-surveillance-immigrants-protesters/</a>                                                                                                                    | DHS Annual Report: <a href="https://www.dhs.gov/publication/ai-use-case-inventory-library?tid=ik_inlinc_enhanced-template">https://www.dhs.gov/publication/ai-use-case-inventory-library?tid=ik_inlinc_enhanced-template</a> | Google Scholar         |
| Technology          |      | The Department of Homeland Security, of which ICE is a part, disclosed in an annual report on Wednesday that the agency has significantly expanded the operational scope for its use of facial recognition, AI and other advanced technologies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                              |                        |
| Surveillance        |      | DHS said ICE's use of innovative technologies in investigations is "no different" than other law enforcement agencies. "We are not going to divulge law enforcement sensitive methods," it said.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                              |                        |
| Technology          |      | This provides an incredibly detailed guide for different ways FRT is used in policing, as an investigative tool, and as evidence in court. It also discusses the harms and inaccuracies it has led to.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Clare Garvie, <i>A Forensic Without the Science: Face Recognition in U.S. Criminal Investigations</i> , CENTER ON PRIVACY & TECHNOLOGY AT GEORGETOWN LAW (Dec. 6, 2022), <a href="https://www.law.georgetown.edu/privacy-technology-center/publications/a-forensic-without-the-science-face-recognition-in-u-s-criminal-investigations/">https://www.law.georgetown.edu/privacy-technology-center/publications/a-forensic-without-the-science-face-recognition-in-u-s-criminal-investigations/</a> |                                                                                                                                                                                                                              | Google Scholar         |
| Surveillance        | 2    | "[t]he long history of the collection of intelligence on the many black radicals, artists, activists, and intellectuals who were targeted for surveillance by the FBI."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Simone Browne, <i>Introduction, and Other Dark Matters</i> , in <i>Dark Matters</i> (2015).                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                              | Google Scholar → JSTOR |
| Surveillance        | 8-9  | "Put another way, rather than seeing surveillance as something inaugurated by new technologies, such as automated facial recognition or unmanned autonomous vehicles (or drones), to see it as ongoing is to insist that we factor in how racism and antiblackness undergird and sustain the intersecting surveillances of our present order."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <a href="https://www.jstor.org/stable/pdf/1jcn11ew89p.7.pdf?refreqid=fastly-default63A81848602051cdd86da4228b4c07c48ed&amp;ab_segments=&amp;initiator=&amp;acceptTC=1">https://www.jstor.org/stable/pdf/1jcn11ew89p.7.pdf?refreqid=fastly-default63A81848602051cdd86da4228b4c07c48ed&amp;ab_segments=&amp;initiator=&amp;acceptTC=1</a>                                                                                                                                                            |                                                                                                                                                                                                                              |                        |
| Surveillance        | 10   | "Surveillance is nothing new to black folks. It is the fact of antiblackness."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                              |                        |
| Surveillance        | 10   | <i>Of the scholars that have written about surveillance as it concerns black people, many have taken as their focus the fbi Counterintelligence Program (coinedpro) that ran from 1956 until 1971 and that saw individuals and domestic political organizations deemed subversive, or potentially so, come under investigation by the bureau with the aim of disrupting their activities, discrediting their efforts, and neutralizing their effects, often through infiltration, disinformation, and the work of informants. Sociologist Mike Flores' keen's study of the fbi's surveillance of sociologists such as W. E. B. DuBois and E. Franklin Frazier, David Garrou's The fbi and Martin Luther King Jr., Theodore Koryweil on the fbi's surveillance of the activities of Marcus Garvey and the United Negro Improvement Association through the use of informants and disinformation, or Carole Boyce Davies's writings on the intense fbi scrutiny of Trinidadian activist, Marxist, and journalist Claudia Jones, for example, form part of this scholarly work.</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Included this just to have a good list of sources that may be helpful with the Civil Rights subsection.                                                                                                                      |                        |

Second, keep your deadlines in mind. These include the largely inflexible deadlines posed by your professor as well as the deadlines you should set for yourself. In particular, try giving yourself a rough deadline to stop researching and start writing. Don't forget, you can continue researching after you begin writing as you discover holes or weaknesses in your argument. More on this in Part II, *infra*.

## 2. Conduct a Preemption Check

Unlike a research memorandum, for which principles of *stare decisis* virtually require recycling of ideas, a scholarly paper necessitates a novel thesis. Preemption checks ensure that your thesis is indeed original. It's important to conduct the preemption check at this early stage—after you've selected a topic but before you've developed your thesis—so that you can focus all your subsequent research on developing a unique thesis. Another benefit of conducting a preemption is that you will find articles relevant to your topic, which is a great starting point for the rest of your research!

Remember that you are almost guaranteed to find articles on your *topic*—that does not mean you have been preempted. There can be tens or hundreds of articles on the same topic. What is important is that your *thesis*—your argument or the approach you take to the topic—has not been written before. This is how you contribute to the literature on your topic.

You can begin by using full-text keyword searches of law review articles and other manuscripts. Although Lexis and Westlaw can be a helpful starting point for this check, both platforms' pre-1990 coverage of some law reviews is not comprehensive. Thus, a comprehensive preemption check requires consulting other sources. Some other useful databases to run your searches through include:

[HeinOnline](#)  
[JSTOR](#)  
[Academic Search Premier](#)

*Large legal research database*  
*Includes articles from other disciplines*  
*Contains scholarly and peer-reviewed articles*

[ProQuest Research Library](#)  
[SSRN](#)  
[Google Scholar](#)

*Includes scholarly articles, news, and reports*  
*Contains forthcoming works*  
*Includes articles from other disciplines*

A recent article on your general topic will likely identify a number of the arguments that have been made in the past and will provide useful background information about important developments and debates in the law. These sources are helpful for your preemption check, and they will likely be helpful as you dive into more research as well. If you have an older article and want to see newer ones that have cited it, you can use [Hein's ScholarCheck](#).

Links and more information to these and other databases are available from [the law library's guide on writing seminar papers and journal notes](#).

If you want even more guidance on conducting preemption checks, Georgetown's librarians recommend using [CALI's preemption check course](#) to which you have access with your Georgetown credentials.

### **3. Talk About It**

Do not limit your research to the library and online databases; professors, practitioners, and law students can provide some valuable insights as well. Professors are generally well informed of developing issues relating to their areas of expertise. Practitioners can describe the practical operation of abstract legal theories. A fellow law student might help you see where your piece lacks clarity to someone who is not an expert in the field. Who you talk to may depend on the target audience for your piece. Explain your thesis and what you've uncovered with your research thus far and ask them if they have any suggestions.

### **4. Use the Library's Resources**

As referenced above, the law librarians have designed excellent reference guides especially for students, organized by specific areas of law and other topics. These reference guides can be accessed on the [law library's website](#).

If you would like to learn more about finding a specific type of source, try one of the [Law Library's tutorials](#). There are tutorials for secondary source research, statutory research, case law research, administrative law research, legislative history, and more.

The Reference Librarians are *so* helpful as you dive into your project. You don't have to become an expert researcher all on your own—the Reference Librarians have expansive expertise in legal research, so **use your resources** and reach out to them for help once you have selected your topic (note, however, that the Law Library cannot consult on selecting or narrowing a topic, as this is outside their scope). The main way to consult with a Reference Librarian to discuss your project and obtain pointers on how to proceed with your research is to [book a Research Consultation](#). Or, if you'd like the help of a Reference Librarian without moving an inch, try Live Help on the law library website—you can chat with a Reference Librarian during the same hours the Reference Desk is open. The Reference Librarians are knowledgeable about the wider collection of resources and can steer students to sources that they may not know about.

## **B. Consulting Secondary Sources**

After you have solidified your research plan, consider beginning with secondary sources to conduct background research for your paper. Secondary sources are all the more useful in scholarly writing because, unlike in practitioners' documents, citations to secondary sources are the norm.

### **1. Review the Law in Legal Encyclopedias, Treatises, Restatements, and Books**

Legal Encyclopedias like *Corpus Juris Secundum* (CJS) and *American Jurisprudence 2d* (Am. Jur. 2d) provide an overview of various areas of the law and *American Law Reports* (ALR) contains in-depth articles on specific legal topics with extensive, but not exhaustive, annotations to primary law. Am. Jur. 2d and ALR are available on Westlaw and Lexis, but CJS is only available on Westlaw. Similarly, treatises and Restatements cover the black letter law on a variety of legal topics. These sources are *descriptive*, meaning they simply explain the state of the law and do not analyze or critique legal theories. They may, however, contribute to your background analysis and understanding of a particular legal problem.

The [Georgetown Law library's online catalog](#) may lead you to books, collections of essays or articles, or treatises on your topic. You can search by subject using key terms, by the name of prominent authors in your area of interest, or by title or call number if you are looking for a specific book.

If a specific book you are looking for is not available physically at the Georgetown Law library, there are a few options for getting it conveniently. First, it may be available online and accessible with your Georgetown credentials, either through the library, Google Scholar, or JSTOR. Second, it may be available at the main campus library, and you can ask to have it sent to the Georgetown Law library through their online catalog. Third, the library participates in a consortium loan service with other local academic libraries, such as George Washington University, American University, Howard University, and others. If it isn't available through any of those sources, the law library can possibly order it from another library through the Interlibrary Loan program (ILL). [You can submit a request for an Interlibrary Loan online.](#)

### **2. Examine Arguments in Analytical Sources**

While descriptive secondary sources are useful in determining what the state of the law is, analytical sources, such as a law review article, *evaluate* the state of the law and may make suggestions for what the law should be. Scholarly writing requires broader support from secondary sources, and legal periodicals will probably constitute the bulk of your research because they often analyze or update legal issues, provide interdisciplinary treatment of legal issues, and guide you (via footnotes) to case law and other sources of information on the law. In addition to using the databases discussed above ([HeinOnline](#), [JSTOR](#), [Academic Search Premier](#), [ProQuest Research Library](#), [SSRN](#), [Google Scholar](#)), you can learn more about locating articles in legal periodicals in the [Secondary Sources Research Guide](#).

### **3. Search the Internet**

Internet searches can lead you to current news, opinions, and the names of people and organizations related to your topic. Although the Internet contains a wealth of information, be sure to carefully scrutinize the resource before relying on it. For help assessing the validity of

your Internet research, try this [guide from Berkeley](#), or this brief [guide from Georgetown University](#), both of which are reputable websites recommended by the Georgetown Law librarians. The law library also has a helpful [five-minute tutorial on Information Literacy](#) that may serve as a useful starting point.

[Google Scholar](#) is a version of the popular search engine for academic sources. It searches “academic publishers, professional societies, online repositories, universities, and other web sites” for “articles, theses, books, abstracts, and court opinions.” This search engine can be useful for broadening your search within the limited universe of scholarly sources. Nonetheless, please note that Google Scholar content is *unvetted* and has been found to contain many AI-generated articles.

Scrutinizing a source you find on the internet, and on Google Scholar, is more important than ever given the infestation of AI articles hidden among the real ones. Be sure to use the sources above to scrutinize every article, but especially ones that your gut is saying looks suspicious for some reason (research that is particularly short, articles where you can’t confirm the author is a real person, unnatural language and formatting, etc.). It is important to vet the sources you find by locating the author’s CV or website, confirming that the article’s title is listed on the author’s website, and confirming that the author typically writes on this topic. If you are unable to complete any of those basic checks, the source may well be AI. Stay vigilant!

#### 4. Use AI Research Tools

Generative AI research tools are changing rapidly, and it is important to start thinking about how these tools may fit into your research toolkit. New generative AI tools, AI that generates content based on learning patterns from massive datasets in response to user prompts, are popping up all the time. It is worthwhile to examine new tools with vigilance. Legal-specific AI tools like Lexis+ AI Protégé and Westlaw Advantage AI usually produce more reliable legal research because they are both (1) trained on legal databases and (2) integrated with verified authority. *However*, these legal-specific AI tools are not perfect and have been known to produce errors and hallucinations, do not include law review articles, and are not guaranteed by the database providers to be accurate. Before relying on any AI research tools, confirm with your professor that you are allowed to use them for research purposes. If you do them, ***use your fundamental research skills*** to check the results for accuracy and completeness by expanding on what the generative AI produced, checking headnotes, and checking validity.

#### 5. We’re in DC—Consult an Organization

Government and non-governmental agencies, organizations, and “think tanks” may be able to provide current or unpublished information that deals with your topic. Agencies and larger organizations often have their own libraries with reference librarians who may be able to help you further tailor your research. Remember, however, that many of these organizations have particular agendas; don’t assume that they will give you both sides of the story. To determine potential bias, examine their mission statements and more general white papers—that should give you an idea of what their agenda is and how to think critically about the materials they provide.

## C. Finding Primary Sources

### 1. Use Headnotes and Citing References/Sources

Westlaw and Lexis include headnotes which are located at the top of most reported cases. Headnotes are editor-written descriptions of the major issues of law in the case. They are accompanied by Shepard's or KeyCite categories that may lead you to more cases dealing with similar issues.

### 2. Using Shepard's or KeyCite

You can use Shepard's and KeyCite to identify additional sources that may provide helpful analysis or explanation or to show which arguments have been accepted or rejected by courts. Once you've found a useful source, such as a case on point, update it by using Shepard's or KeyCite to see how other courts and scholars have treated or used that source. This technique will lead you to other sources.

### 3. Look for Legislative History

When researching topics that involve legislative issues, it can be helpful to get a feel for the legislative history behind a particular bill or statute in developing your thesis. The *Congressional Record* is the official record of the proceedings and debates of the United States Congress and is a good source to find the text of floor debates regarding a particular piece of legislation. In addition, Committee Reports, which comprise the reports from committees in each chamber and from joint committees, often contain an analysis of the content and rationale behind a particular bill, statute, or committee recommendation.

To find all of this and more legislative information, start by determining whether someone has done the work for you. Try searching *Sources of Compiled Legislative History*, a book that is available on HeinOnline. Then, if you know the statute's Public Law number or *Statutes at Large* citation, you can determine whether legislative history has been compiled for the relevant statute. A statute's Public Law number is available beneath the text of the statute on Lexis and Westlaw.

If there is no compiled legislative history for the relevant statute, you will have to compile it yourself. A good place to start is ProQuest's various Congressional databases—ProQuest Congressional, ProQuest Congressional Hearings Digital Collection, ProQuest Congressional Record Digital Collection, ProQuest Congressional Research Digital Collection, ProQuest Congressional Serial Set. You can access these [databases through the law library's website](#).

There are also some free resources available for finding legislative history. [Federal legislative history is available on the Library of Congress's website](#). If you are looking for state legislative history, you might try the state legislature's website.

### 4. Consider Non-Legal Sources

Non-legal journals, magazines, and newspapers may provide insight into policy issues, provide examples of the consequences of a particular legal theory, summarize a legal problem in a particularly accessible fashion, or describe the debate outside the legal community. These sources are of minimal importance to a research memorandum, which is largely limited to primary legal authority. In scholarly work, however, you may be able to bolster your argument

with an article from the *Washington Post* or *New York Times*, for example, by doing a search on Google, Lexis, Westlaw, or ProQuest.

#### **D. What to Do When You're Stuck**

At some point in your research, you may find that you're "stuck"—maybe because you can't find a specific source or because you have a question that your research is not answering. If that happens, go back and try some of these research tips again, only this time with more refined questions. Research is recursive, so retracing your steps once you've learned more is all part of the process. If you're having trouble finding or using a source, be sure to talk to a Reference Librarian and use the library's online resources, described above.

#### **E. Updating Work**

##### **1. Remember to Shepard's and KeyCite**

Responsible practice requires that you review the citation history of the authority you cite in your paper. These features of Westlaw and Lexis, respectively, allow you to efficiently sort through those primary and secondary sources that cite the sources you have located and read. This updating process enables you to discern which texts received positive or negative treatment.

##### **2. Research Your Research**

Credibility is important in scholarly work. The utility of a particular text depends largely on how other scholars regard it. Bear in mind that sources that are not widely cited may not be considered as persuasive as those that many scholars mention.

##### **3. Consider Contrary Sources**

Even if most commentary rejects your thesis, you may still have a defensible position. Perhaps your argument is based on new information, or maybe prior criticisms are incomplete or improperly focused. Be sure, however, to consider carefully the countervailing arguments that have been made, and address those in your paper.

## **II. KNOWING WHEN TO STOP—OR AT LEAST PAUSE**

Students often struggle with the question of when to pause researching and begin writing. There is no easy answer. First, you must ask yourself whether you have researched the most-cited cases and articles on your topic. Next you must be certain that you have checked recent publications. Last, but certainly not least, you must be certain that you can support the essential components of your thesis.

If you gave yourself a deadline to stop researching and start outlining and writing, do your best to stick to it. You may never feel like you're done researching, but at some point you have to start putting your thoughts on paper.

Do not worry if you discover the need to research more as you write. The pre-writing and writing processes often uncover holes in your research or questions that arise while writing. This situation is normal, and you can remedy it with some guided research to fill the holes and answer new questions.