



## CHOOSING A SUCCESSFUL PAPER TOPIC

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Finding a paper topic can be challenging. Your topic must interest both you and your audience. Furthermore, it must be manageable and thesis worthy (i.e., the topic allows for a thesis that is original and significant). Below are three basic steps to finding a topic that fits your interests and needs.<sup>2</sup>

### Three Steps to a Successful Paper Topic:

#### 1. Choose a General Topic Area

**The first step is to select a general topic area.** Students often begin thinking in terms of the thesis, i.e., the position you want to argue, but you should instead begin by brainstorming more general topics of interest. **The general topic area should be something in which you are keenly interested because you will likely spend several months dedicated to it.** Be wary of selecting a topic area that is very complex as you may become overwhelmed or lose motivation as you progress through the writing process. However, your topic should not be too simple as you risk boring your reader (and yourself).

**Additionally, consider your audience.** If you are writing a paper for a law school course, you will want to pick a topic that meets both the requirements of the seminar and is interesting to your professor. If you are planning to publish your writing, either in a journal or in some other format, you will want to consider how journal-members, practitioners, and/or potential employers will react to your topic.

Where to start? Here are some brainstorming suggestions for choosing a topic area:

- ❖ **Meet with your professor.** This is especially important if you are writing this paper for a law school course. Professors can suggest relevant and timely ideas in the field and offer advice on dealing with any professor-imposed or self-imposed topic limitations.
- ❖ **Talk with practitioners in your area of interest.** They are often very keyed in

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<sup>1</sup> Original handout prepared by Lauren H. Uhlig (2012). Revised by **Jane Kaplan** and **Devlin Woods** (2020).

<sup>2</sup> This handout is intended to provide assistance with writing scholarly articles, notes and seminar papers, and while the advice is generally the same among different formats, we have noted minor differences to consider where applicable.

to issues in their respective field and may offer an alternative perspective.

- ❖ **Run a Google search or pick up a newspaper.** This is a simple way of gathering some background information and context. Are there recent developments in the law or new cases that pique your interest? News is also available on Lexis and Westlaw and can be narrowed by industry or topic, respectively.
- ❖ **Peruse subject matter journals in areas of interest to you.** Journals often include sections on recent developments that can provide a good starting point for choosing a topic area. This is especially important if you are trying to publish with a specific journal.
- ❖ **Check the [Research Guides](#) on the Georgetown Law Library website.** Guides are available by both topic and state and may save you a bit of time while conducting research.
- ❖ **Draw upon your former experience, such as your undergraduate or graduate concentrations or courses you found interesting in law school.** You may be able to use the knowledge that you already possess to steer you toward an interesting topic.
- ❖ **Consider your everyday life.** Is there something going on in the world that does not sit quite right with you? Is there something you are excited about?

## 2. Narrow Your Topic to a Manageable Scope

**Ask yourself: what aspect of the general topic do you want to address?** Do you want to examine the application of a law or issue in one jurisdiction? Do you want to challenge the current legal definition of a problem or legal term? Do you want to compare one issue to another issue? Can you identify the cause and effect of an issue? Do you want to substantiate or discredit an approach to a problem?

**One tactic to narrow the general topic is to think about different types of argument and how you can frame your general topic within a particular type.** Below is a chart borrowed from Fajans & Falk demonstrating different types of argument in relation to the rights of unmarried domestic partners in light of a mayoral order:

<u>Topic</u>	<u>Narrowed Subject</u>
Definition	What constitutes a domestic-partner relationship? How is the family being redefined?
Comparison	Compare domestic-partner rights in New York to those in other jurisdictions, to those flowing from other relationships, etc. Compare executive orders with other possible solutions.
Causation	What is the likely effect of the mayor's order? What prompted it?
Substantiation	

	Executive orders are a good (bad) approach because... <sup>3</sup>
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**Even if you are narrowing your topic from a very broad topic to something more manageable, do not narrow your topic too much at the very beginning.** Your narrower topic should still be broad enough such that you are able to come up with several thesis statements.

### 3. Pick a Thesis

After your research has enabled you to narrow your general topic to a more specific topic, the next step is to find an original, supportable thesis. **A thesis takes a position or argument on your topic and then gives you the opportunity to defend it – you get to tell your audience what you think and why you are right!** Consider developing an argument for why something should be improved, why something has occurred, or why an existing solution is not feasible. Please see the Writing Center’s handout, [Developing a Thesis Statement](#), for more helpful tips.

The following steps are useful to ensure that your potential thesis is original:

- ❖ **Run a preemption check.** Preemption helps you determine if someone has already written about your topic. Conduct a search on Google, Westlaw, Lexis, and other databases. If you find an article on your topic, it may serve as a helpful source for your research. Keep in mind that the existence of a piece on your precise topic may end your publishing opportunities because publication often requires an original topic.

**However, it is quite difficult to have your topic preempted as you can almost always find a way to say something novel.** You are only preempted when someone has published a paper with the exact same thesis and defends it for the exact same reasons, or if the facts you have based your thesis on change (i.e., a new case comes out that changes your entire argument).

- ❖ **[Schedule a consultation with a librarian.](#)** Once you have a proposed topic, the librarians can help you to conduct a preemption check, design a research strategy, and refine your topic. This usually takes between thirty minutes to one hour. Keep in mind that the librarians request advance notice in order to allow them to do some research on your topic before the consultation.

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<sup>3</sup> Elizabeth Fajans & Mary R. Falk, [Scholarly Writing for Law Students](#), 21 (3d ed. 2005).

- ❖ **Ask yourself: so, what?** What is significant about your thesis? Why should the reader be interested? The “so what” test helps you ensure that you are making an original contribution to the discussion in the literature.

#### Some Final Pointers:

- ❖ **Be flexible in this process.** Your topic or thesis may, and likely will, change throughout the process of writing. In fact, topics and theses often benefit from some revising after further research.
- ❖ **Develop a method for tracking your research and notes early on in the research and writing process.** Organizing your materials from day one will save you time (and potential stress) down the road. The worst feeling is remembering an amazing article you read at some point in your research but now you are unable to track it down. Consider creating a digital folder for your research on your desktop, in Westlaw research folders, or downloading software to help you easily keep track of cited material (i.e., Zotero or the browser extension PowerNotes). Additionally, it may be helpful to reserve a carrel in the library to have a designated work place to store your materials. Students can reserve a carrel by visiting the Circulation Desk in the library.
- ❖ **Communicate with your professor.** If you are writing a paper for a seminar and have changed your topic along the way, consider meeting with your professor to discuss this change. This is especially important if you end up making changes toward the end of the writing process.
- ❖ **Be aware of the scope of the paper.** Do not force your paper to satisfy multiple purposes, but do not be afraid to try if you think you have a good idea. For example, while it may be difficult to use a paper from Comparative Tax Law as your note for the Georgetown Journal of Legal Ethics, it is surely not impossible.

#### **Other Sources:**

Elizabeth Fajans & Mary R. Falk, Scholarly Writing for Law Students, 18-37 (3d ed. 2005).  
Eugene Volokh, Writing a Student Article, 48 *Journal of Legal Ed.* 2, 247-72 (1998).  
Jessica I. Clark & Kristin E. Murray, Scholarly Writing, 5, 19-40 (2d ed. 2012).