Science and Law 2020
Some Thoughts On Finding a Paper Topic

Observation: You've got to stay in the science-and-law "sandbox," but you can map science and law on to just about any practice area – criminal, environmental, torts, family law, intellectual property.

DISAGREEMENT:
The easiest way to get a topic is probably …
finding a very recent article and disagreeing with it. (*Very recent* because that way you are already 90% caught up on the state of the art with regard to that "conversation.")
   You can disagree by:
   * attacking some part of the foundation or assumptions
   * attacking the reasoning
   * demonstrating unconsidered roadblocks
   * demonstrating unconsidered negative impacts

Also good is …
finding a very recent case – one that is important – and disagreeing with it. (But be wary of evaporating circuit splits!)

NEW CONTEXT:
A fantastic way to get a topic is …
finding a recent article you find compelling and explaining how its reasoning can be used in a different context to get to a different impact.

or …
taking something that's been written about in one jurisdiction and taking it to another jurisdiction (e.g., from the federal level and taking it to a particular state)

There's also these:
NEW SYNTHESIS:
When courts (or scholars) say they are doing *a, b, c,* what they are doing is actually better explained as *x, y, z.*

LESSON FROM AN UNTOLD STORY:
Here's something that happened. Here's the lesson that the law (or courts or legislatures) should learn from that.

UNRECOGNIZED PROBLEM
Here's a problem that no one identified as a problem. When x has been going on, it has been having y bad effects.

NEW SOLUTION TO RECOGNIZED PROBLEM
Everyone has seen x as a problem. Here's something that will fix that, that people haven't thought of before.

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