

Tip Sheet on Finding a Law School Paper Topic

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*Picking a paper topic is often the hardest part of writing a paper!
Here are some propitious ways to zero in on a topic.*

DISAGREEMENT:

The quickest and 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 also potentially quite good ...

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)

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*. [*← This can make for a superlative paper – although such opportunities can be hard to find.*]

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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