



Alison Monahan: Welcome back to the Law School Toolbox Podcast. Today we're talking about setting yourself up to write a great seminar paper or journal note. Your Law School Toolbox hosts are Alison Monahan, that's me, and Lee Burgess. We're here to demystify the law school and early legal career experience, so that you'll be the best law student and lawyer you can be.

Together we're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career-related website, [CareerDicta](#). I also run [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review or rating on your favorite listening app and if you have any questions, don't hesitate to reach out to us. You can always reach us via the [contact form](#) on LawSchoolToolbox.com, and we would love to hear from you. With that, let's get started.

Lee Burgess: Welcome back to the Law School Toolbox podcast. Today, we're talking about setting yourself up to write a great seminar paper or journal note. And really, the most critical part of this process is step one, which is selecting a topic.

Alison Monahan: That is definitely true.

Lee Burgess: Yeah, and if this goes badly, it's just bad. It's so bad.

Alison Monahan: Right, right. And in fact, you have a personal story about this. Don't you?

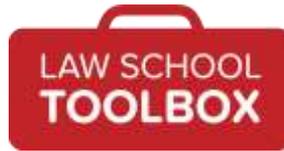
Lee Burgess: I do, I do. So I took this seminar class when I was a 2L, and the whole idea was that it was an advanced legal drafting class, and it was supposed to be able to be a published note. And I had some great idea, it was something relating to ADR, and I cannot even remember what it is, because I clearly didn't write a big paper on it. And I had this great idea, and it just bombed. And it bombed around spring break, which is really late in the semester to have something bomb. I mean, I started to do the research, I kept bringing things to the professor, and finally the professor is like, "This isn't really working," and you kind of just are staring at each other. What do you even do with that information? Because I'm like, "It's spring break." Pause. You know?

Alison Monahan: Exactly.

Lee Burgess: I'm like, "We're like halfway through the semester." And he goes, "Well now would probably be a good time, if you wanted to switch, to make that shift." And I'm like, "Oh my lord. That sounds awful."

Alison Monahan: Well, to be fair, my undergraduate honor's thesis, which was supposed to be an entire year project, I actually picked the topic at spring break, so I feel your pain.

Lee Burgess: Yeah. So, it was bad, and I actually ended up being happy with my topic, but I decided not to submit it for publication. Maybe I was too traumatized, I don't



know. But it was really an important lesson in going through a lot of these steps to decide if something is going to be a good paper topic, and being okay with letting go if it is going badly. I should have probably let it go six weeks before that, but I was so determined that I had this great idea, that I just kind of wouldn't let it go, and then I got punished for it.

Alison Monahan: Well my law review note was also kind of a disaster, as we'll talk about later. So, it happens. I mean honestly, I think part of the reason this does happen is you just don't actually know that much at the point which you're expected to pick these topics.

Lee Burgess: I think that's true.

Alison Monahan: You've basically typically done your first year of law school, maybe an extra semester or so, but then suddenly you're supposed to be writing this huge thing, and it's just sort of like, "Well, I don't know anything."

Lee Burgess: Yeah.

Alison Monahan: All right so let's back up and talk about, how can you find a good topic that does not result in a complete and total disaster.

Lee Burgess: Yeah. So I think one thing is, especially if you're going to work on it for an entire semester, or any length of time, really, it should be an area of the law that interests you. Don't you think?

Alison Monahan: Yes, I mean, certainly.

Lee Burgess: I mean, a lot of people, I think, just sometimes will work on things that they think are important to work on, but you're going to spend a lot of time with it, so make sure you don't hate that area of the law.

Alison Monahan: Yeah, I mean I wanted to do something in my favorite 1L topic, and then I went to talk to ... My professor had left, and so I couldn't talk to him, so I went to talk to a different professor who was not very encouraging at all, and I kind of left that being like, "Okay, well I guess that kind of sucked." I mean, for me, I ended up basing my note topic really on the professors that I liked and who I thought might be helpful to me. I'm not sure if that was really the best approach, because not sure they were giving me necessarily the best advice, because they were just so excited that I wanted to write something with them in their area that I'm not entirely convinced I was getting great advice about what that should be. But yeah, I mean I think talking to professors, either in areas you're interested in, or just professors that you liked about, what do you think would be a good, interesting thing to write on, I think that's typically going to be one of your first steps.



- Lee Burgess: Yeah. I think that that's true. And it could be that maybe you're taking even an elective class in an area of the law that you may want to eventually do. Hopefully whatever seminar classes you take are actually interesting to you.
- Alison Monahan: Yeah, I mean the one that I ended up using for my clerkship writing sample, I wrote ... I think it was in my third year in a seminar class. And I just felt like at that point, I had such better information that I was working with. I kind of know how to do this, I know how to do research, I knew how to write. It was just a much stronger paper even though it was really only one year later than what I ended up writing as a 2L, which frankly, was not that great. I did not even try to get published.
- Lee Burgess: Yeah. I think I also really felt that a paper that I wrote my second semester 3L year was far superior to anything else I had written. And I also ... It was on a topic that I found more personally interesting. I was taking this fascinating class called Bioethics, but it was really about death and dying, and I guess living and not living, and all the things that come with that. But the topic area was so interesting, it felt like you could pick a lot of things that were very engaging, and it wasn't just about reading case law. I think that's one of the things that happens when you try and select these paper topics is, sometimes you're so used to just reading cases that you forget that some of these larger topics ... And we'll talk about kind of what makes a good topic here in a second ... involve reading legal theory, or reading other theories about crime and punishment, or what's the government supposed to be able to legislate, or what is personal freedom versus public policy? A little bit more theory. And I think often times in law school, you don't get a lot of that until you do these bigger projects.
- Alison Monahan: Right. And for me, the one that I ended up liking was a real-world problem. So I had worked on a pro-bono asylum case over the summer at one of my legal jobs, and it was someone from, I think, Pakistan who was a gay man whose family had found out about this, and was trying to get asylum. And at the time, this was an unresolved legal question. And for me, A, I could actually send the paper to the people who're doing this work afterwards, and they were really happy, and it was really helpful, and it was helpful, I think, for other people. But also, it was like I had this connection to this person and it was like, "I'm writing this basically because I need to figure out what his options are." So that, to me, was much more tangible and more interesting than what I'd written as a 2L that was about claim preclusion and international arbitration. Which, let's face it: interesting, intellectually, but pretty dry.
- Lee Burgess: Yeah. I think you make an interesting point about looking towards your summer jobs for possible topic ideas, either a client problem or just something that comes up. I remember, one of my friends wrote a note that we published in the Law Review on how you do the valuation of property in divorce, and whether or not you use appraisers or real estate agents. There were all of these different



ways. These are things I had never thought about before. All of these different ways that you can decide what a property is worth in a dissolution to decide, do you sell it, do you ... Does one person pay the other back to buy out? And it makes a big deal, whose numbers you go with, especially in California where appraisal numbers and real estate agent's numbers can be very different. And that was something that she had seen in her job, working in family law over the summer, and then she came back and wrote a note on it. And I thought, "Wow, that was really interesting," because that was just something she saw that was a real-world problem that needed to be discussed.

Alison Monahan: Yeah, and I think sometimes people have different preferences whether they want something that's super academic or super practical. Balancing that is often part of picking a good topic. I mean ideally, I think you want some of both. You don't want to just ... I mean, I guess you can just write something that's completely theoretical. Law professors do it. But I think for me, at least, having something more tangible and more practical just made the whole experience more interesting.

Lee Burgess: Yeah.

Alison Monahan: And yeah, I think looking at work things, maybe even talking to other friends like, "Were there any questions that you saw in this area I'm interested in writing about?" I think also, you just have got to do that basic research of what is kind of hot? What are the hot topic areas in legal blogs, in law reviews, different articles. So you can sign up for alerts in a lot of these legal research tools. So if you're thinking about what you're going to write on, I think you want to get kind of your framework set up so that Westlaw is sending you stuff, Lexis might be sending you stuff, Bloomberg might be sending you stuff, you might be subscribed to the RSS feed of certain blogs in the area that you find useful. You need to be kind of steeped in the area that you think you're going to write in.

Lee Burgess: Yeah, that's very true. And do you think law librarians are under-visited people when it comes to trying to brainstorm?

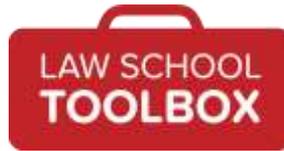
Alison Monahan: You know, Lee, I do. How about you?

Lee Burgess: It's almost like it was a talking point that we discussed before we got on this podcast. But I definitely-

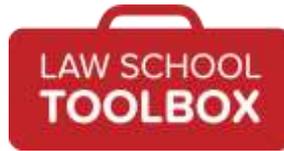
Alison Monahan: We love law librarians.

Lee Burgess: We do! And I under-visited mine, I know I did.

Alison Monahan: Yeah, of course.



- Lee Burgess: Yeah.
- Alison Monahan: I mean, we all do. But these are people who are actually trained and eager to help you. And obviously, you can't just go them and be like, "What do you think I should write about?" They'd be like, "Well, what are you interested in writing about?" You have to have some sort of preliminary ideas, but you can definitely go in and say, "Hey, I'm considering writing a seminar paper on these different topics. Do you have any thoughts on where I can find information or the direction I might go in?" Most of them are really ... I mean, they've been trained as lawyers and as librarians, so you may as well use those resources.
- Lee Burgess: Absolutely. And if you're looking at ... One of the things we'll talk about in a bit is making sure somebody hasn't written this paper, especially if you want to publish it. These are the people who do legal research for a living. They're going to be able to help answer those questions for you.
- Alison Monahan: Exactly.
- Lee Burgess: You are not a legal research expert while you're still in law school, so you should turn to those who are to get additional information.
- Alison Monahan: Well, and they can also help you, often times, using these online tools that particularly if you are just coming out of your first year, you probably really don't have that much real-world experience with, they can help you structure queries and things like that to find this information that you're really looking for.
- Lee Burgess: Right. And another way that a lot of people come up with topics, is they write about circuit splits.
- Alison Monahan: Ah, yes. The circuit split. So for those of you who are not aware of what a circuit split is. You're like, "Is this like the circus?" No. It is not someone doing splits on an elephant. A circuit split basically means that two or more Federal District Courts have examined the same legal issue, and come out differently. So, as you probably remember, there's a hierarchy. I mean, I guess in theory there could be a state court circuit split, too. Actually, some people suggest looking at how different state courts are handling a certain issue, are they taking a different approach? But the point being, courts at the same level disagree on how you should look at this topic, and that can be something that eventually ends up in front of the highest court and gets resolved, which can make it risky if you want to write a law review note on a circuit split, because if you want it to get published, and they just resolved it, you're not going to get published. But, if you're just interested in finding a topic, it might be a great way to look.
- Lee Burgess: Yeah, and I think if there are definite disagreements between the two circuits, there's a lot you can write on about that. You can talk about where the courts



should go, you can talk about why it's so difficult, the history of this legal issue, why it's kind of stalled at this level. There's a lot of material that you can pull out to write, especially if it's for a class. But I think you're right, you are gambling that the Supreme Court doesn't take it and just show that they know better than you do, what the outcome should've been.

Alison Monahan: Yeah, I mean I think you're pretty safe on this in a seminar class because you can basically be like, "Well, has this issue been granted certification?"

Lee Burgess: Right.

Alison Monahan: If not, then I'm probably safe for the next three to four months. I mean, a journal note is kind of a different story, because you might start that, and it's two years later before it's published. And they're not going to publish it if the circuit split's resolved. So this is kind of a classic place to look, but you should be aware it does have some down sides.

Lee Burgess: Mm-hmm.

Alison Monahan: We can link in the show notes, I found a couple of resources for finding circuit splits. [The University of Akron Law School puts out a good resource on this](#), and apparently there is even a law review on this topic, or partially on this topic.

Lee Burgess: I didn't know that.

Alison Monahan: Yeah, I had no idea. If you're casting about, you have no idea what you're gonna write on, I think at least looking at circuit splits can be a good place to generate ideas.

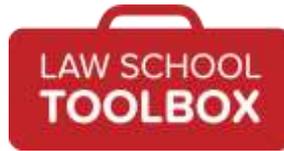
Lee Burgess: Yeah. What about if you're already on the law review or on another journal? Do you think the board can help you with selecting a note topic, or is that something you should stay away from?

Alison Monahan: Well, I think certainly if you're on a journal and you have to write a note, or you want to write a note, they're going to have some sort of process that kind of mentors you through that. I think even if it's a paper topic for a class, you can still kind of use those resources. If you're friendly with somebody who's a 3L, that maybe they're an articles editor or something, maybe they'll sit down and kind of brainstorm some topics with you, or look at idea that you have. These are people who are doing this all the time. So again, they just have better information than you do about like, "Oh, I've seen this topic before," or, "Somebody's writing on this," or, "Oh, that's interesting. It's related to something I've seen, but it's not the same," that kind of thing.

Lee Burgess: Mm-hmm (affirmative), yeah.



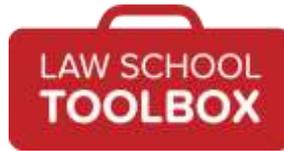
- Alison Monahan: Yeah, and as I mentioned, the University of Akron actually has a really good [guide](#) to sort of finding the topics, how to pick a topic, some ways to use Lexis, Westlaw, Bloomberg. And in fact, Lee, your alma mater, USF also has a very [good online resource](#) we can link to to help people figure out what to write about and that kind of thing.
- Lee Burgess: So handy.
- Alison Monahan: Yeah, a great resource I was like, "Wow, I didn't know this was out there. I paid for this information."
- Lee Burgess: I know. I'm like, "I'm glad that my tuition dollars helped that." Well, our ... Her name is Leigh, it was the research librarian at USF, was, and it continues to be quite excellent, so it's not surprising.
- Alison Monahan: Yeah, it's a really good guide. So I think if you're struggling with this ... And there are also a couple books. I think the USF sites [links to the book](#) that I had used before. It'll kind of walk you through this process. So there are resources, you don't just have to kind of pick in a vacuum.
- Lee Burgess: Yeah. I think one of the other things you want to think about as you go into this, whether or not it's for a class or for a note, is you probably need to give yourself a deadline of how long you can search for a topic. Because I do think that you can go down a great rabbit hole of just topic ideas and kind of swimming out to the internet, collecting ideas. And you really need to kind of come up with a few and then dive into them to see if there's enough meat there to write on, and then pick the one you want. But don't get too caught up in just brainstorming, because I think that that can really derail you.
- Alison Monahan: Yeah, I agree. I think you've got to have a process here, where maybe you spend X amount of time just sort of generating ideas, but then you've got to pretty quickly figure out, are these ideas plausible?
- Lee Burgess: Right.
- Alison Monahan: So before you get your heart set on a particular topic, you've got to do a preemption check. And so, you'll hear all about this if you're doing something for a journal, but basically the questions are like, "Has somebody else already written this?" And this can be kind of a balance, because your idea has to be novel in some way, but you still have to have sufficient support from existing authority. So you've kind of got to balance what do you have to say about this that's new, but who can you look to that's already kind of talked about the general area?



- Lee Burgess: Yeah. Which, is not particularly easy, because a lot of people are writing about a lot of legal topics all the time.
- Alison Monahan: Yeah, exactly. It can be kind of hard to find a niche where you actually have something to contribute, but it's not something that's totally like, "I'm going to make this up from scratch. No one's ever talked about this before."
- Lee Burgess: Yeah, and even after in my paper class, where it went so poorly that I had to switch topics, when I did switch topics, the topic that I ended up selecting was ... I don't even remember how I came up with this, but it was whether or not you could travel across state lines, get the drugs for physician-assisted suicide and then bring them back. So, if you were in California, where, at that time, it was not legal to do physician-assisted suicide, and then you traveled to Oregon, where it was, qualified to get those drugs there, could you die in California and not have your family members be liable for assisting you and whether or not you could even have those drugs on your person. It was kind of an interesting fact pattern. I guess that was very me coming up with an exam question. It was more like an exam question than it was a research topic, because it turns out, there's not a lot of great law on that. There's just not a lot of great law.
- Alison Monahan: Yeah, I mean my instinct would be like, "I don't think you can do that," but I haven't researched it, I don't really know.
- Lee Burgess: Right. I mean, there are issues around the full faith and credit clause, and whether or not-
- Alison Monahan: Yeah, I'm envisioning transporting medical marijuana across states lines or ... You know?
- Lee Burgess: Right, right. And so at that point ... This now makes me feel old, I don't even think as many states had medical marijuana at that point.
- Alison Monahan: Oh yeah, I know. Totally.
- Lee Burgess: No. So it was kind of ... There wasn't a lot out there. I think had I written it when medical marijuana was legal and there had been more discussion about how you move within the states. Yeah, it was not a great topic because I kind of ran out of resources. There wasn't a ton of writing on this, and there wasn't a ton of other legal situations that were similar to it. So even though this was an area of interest for me, I think if I had done a deeper dive searching and researching early on in the semester, I may have decided I needed to tweak it, or made the question that I was raising a bit more broad to be able to pull some other stuff in. So, yeah.



- Alison Monahan: Yeah, I think this is one of the hardest things, is to get a topic that's sufficiently broad and sufficiently narrow for whatever your page length requirements are, because this one is how I got screwed, too, frankly.
- Lee Burgess: Yeah.
- Alison Monahan: Because my note topic, interesting question, wasn't exactly clear what the answer was, could answer it, could make strong arguments. The problem was, it was probably about really a 10-page paper, and I think I had to turn out 30 pages on it.
- Lee Burgess: Yeah.
- Alison Monahan: So when I kind of got into it, and I'm writing and I'm realizing like, "Okay, I've answered the question, and I'm on page 10. What do I do?"
- Lee Burgess: Mm-hmm (affirmative), yeah.
- Alison Monahan: And at that point, it was too late to kind of turn back. So I think it's hard to figure this out in advance, but this is one of the most difficult things is, is your topic kind of needs to be at the right level of abstraction, I guess, to fill the pages you need to fill without having way too much to say? So both too broad and too narrow are bad, and it can be really hard to find that out until you're kind of in it. But I think, to the extent you can, that's really one of the hardest questions to answer.
- Lee Burgess: Yeah. It is really challenging. And sometimes, if you run into this, you can possibly tweak your topic to make it a bit broader, but you need to go to your professor and you need to just start brainstorming ways to solve the problem as soon as you realize that you may not have 35 pages worth of material.
- Alison Monahan: Yeah, and to be fair, that's kind of a lot of material. It can't just be sort of a one-off question, typically. It's gotta be pretty complicated to fill 35 or 40 pages.
- Lee Burgess: Yeah, and there usually needs to be a section that just involves all the research that you did, before you even do kind of an analysis. I don't know how many people listening have read many law review articles, because most people don't do that for fun until they're well into law school, or on a journal. But there's a section where you're kind of doing the state of the world, this is what the legal research is on this topic. And so there needs to be enough that that can be a meaty section to eat up a bunch of your pages.
- Alison Monahan: Yeah, exactly. That's a great place to kill some space.
- Lee Burgess: It is.



Alison Monahan: Trust me on this one.

Alison Monahan: All right well let's, before we move on to kind of the actual writing and everything like that, how can people ... I mean, we've talked a lot about how hard it is to find a good topic, but how can people ensure their topic is any good before they've started?

Lee Burgess: Well, I think you need to talk to people. I mean, we've discussed going to professors, going to the law librarian, the research librarians, maybe talking to other people on your journal, if you have friends that are also interested in this topic, you can talk to them. Maybe if you have an externship, I can see talking to lawyers that you might be working with, or if you're in a clinic, maybe talking to those supervisors as well. But just try and get the lay of the land, and anyone who has any knowledge in this area, try and talk to them. You might get bad news, but that bad news could save you from what we went through, which was bumner topics.

Alison Monahan: Listen. Listen to their advice. You know, I mean, it can be difficult if someone's like, "Well, I just don't think there's enough there," and you're thinking, "No! I can come up with 30 or 40 pages on this," that should be a big red flag. Listen to the person who knows more than you do.

Lee Burgess: Yeah.

Alison Monahan: I think you also need to do at least some preliminary research, and even outline a rough plan of what you think you're going to be writing about before you commit to this. So you should at least have an idea what the big questions you're asking are going to be, even if you can't fully answer them. And if you can fully answer them at this initial stage, it's probably too narrow a topic, or it's preemptive. Because if you're going to answer them, someone else probably already has. So you're looking for this balance of, "Oh, okay. I'm not quite sure how this would come out, but I have some resources for pointing me different directions. I could dig into this for five or ten pages." Awesome. So that, I think you need to do before you really commit.

Lee Burgess: Yeah. I mean, it may feel like busywork or you're just like, "I just want to get in and do the research," but it's so much better if you can do that research confidently knowing that there's enough to do and you're not wasting your time.

Alison Monahan: Yeah, and this is definitely one of those kill your babies. If you have come up with this topic, say, from something you worked on in the class or in work, a situation, and you love, love, love this topic and you just love it, love it, love it, you still have to take that step back and really analyze, is this going to work for the length of paper that I'm writing? And it might be that it's an amazing topic,



but it would be 100-page article, in which case you probably could pick a piece of it, and kind of get started on it, and then maybe write a longer article, but you just really need to be realistic, here.

Lee Burgess: Yeah, and it's just one more example in life where it's you have to just be willing to kind of take your medicine and be realistic and own your mistakes and move on. It's kind of like that saying, "You don't want to throw good money after bad." If you've burned time on a topic, and it's not working out, you want to cut and run, you don't want to keep throwing time at that topic. It's not going to make the reality change.

Alison Monahan: That is a sunk cost. Move on. You learned something, great. Do not continue forcing it if it's not working.

Lee Burgess: No.

Alison Monahan: Yeah, the sooner you cut your losses and move on, the better you're going to be in the end.

Lee Burgess: Yeah. So the next thing, though, I think ... It even kind of plays into this idea of doing preliminary research, but I think a lot of people make a critical mistake because they don't have a research plan, or even just an organizational plan to manage this project, because these 35 to 40-page papers are a huge thing to manage. I mean, you spend a lot of time on them, you've got paper, you've got files, you've got ideas. How do you even start?

Alison Monahan: You may have 100 sources.

Lee Burgess: Yeah.

Alison Monahan: I mean, that would not be unusual for a 40-page paper. That's only a couple per page, if you think about it.

Lee Burgess: Yeah.

Alison Monahan: I mean, basically if you do not have a plan or some type of process for how you're going to manage your research and writing, this is going to be a disaster.

Lee Burgess: Mm-hmm (affirmative).

Alison Monahan: So I don't really care what your plan is, how your process works, but you need to think about it and you need to figure out what's going to help, and you need to actually execute on that, or you're going to find yourself at midnight sitting in a room, surrounded by a bunch of boxes with stuff on the floor, in tears.



Lee Burgess: Yeah.

Alison Monahan: I mean, I'm not speaking from personal experience or anything here, but it does happen.

Lee Burgess: Yeah.

Alison Monahan: Trust me, it happens.

Lee Burgess: It does. So I think one of the things that is a little different about the current legal research environment, even more than when you and I were in school, is that ... I don't know. I don't think people are printing out things in the same way. Because it was all about binders when we were in school.

Alison Monahan: Yeah, so I mean, I think you can do this on paper, and some people still prefer that, or you can do it electronically. I mean, I think there are pretty strong arguments at this point, to be made for having some sort of electronic version, even if you also print.

Lee Burgess: Yeah.

Alison Monahan: I mean, I think a lot of people still find it preferable to print on paper and read it out, and you can mark stuff up. But you want to have some sort of indexing system, basically. I would recommend Trello, that's our favorite.

Lee Burgess: For everything.

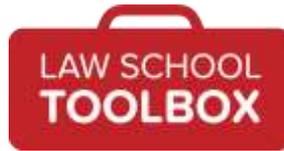
Alison Monahan: I mean, you can use a spreadsheet, you can use a Word doc. We really recommend Trello, seriously. Go get [Trello](#).

Lee Burgess: Yeah.

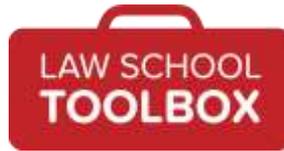
Alison Monahan: It's probably going to make your life easier. It's free. And even if you do want to print out a bunch of stuff, you still want to have that index of, what have I looked at? How am I going to use this? What notes do I have about this source? And the good thing is with Trello, you can kind of make a list and you can say, "Okay, this is how this piece fits into my bigger research," you can use labels, or yes I'm definitely using this might be green. No is red, yellow is maybe. So you can kind of track where you're at because your goal is, what have I done? What research remains to be done? What is each source going to be useful for? What am I not using? Because the thing is, you might just throw these into the trash, but then you can find yourself, at least I did, you come back and be like, "Did I already read this? I feel like I've seen this article before." And you don't want to waste time on that. You want to be like, "Oh yeah, I looked at this. I decided I wasn't relevant because of X."



- Lee Burgess: Yeah, exactly. I think actually tracking what you've discarded is really valuable. I think a lot of people forget to do that part. They just track what's in, not what's out.
- Alison Monahan: Yeah, exactly. They're like, "Oh, these are great," but then usually I'm wasting time, and because if you're reading a bunch of stuff, at some point you're going to have that sensation of like, "I feel like I already read this," and you just wasted an hour reading 20 pages of some article that you already decided, when you got to page 30, wasn't really that relevant.
- Lee Burgess: Yeah. I think that that's really true.
- Alison Monahan: And that's also a way that you can tell your research is drawing to a close, is when you start finding references to the same pieces in different other pieces. So if you start coming back to things that you've already seen, then you know like, "Okay, I've probably finished exploring this area."
- Lee Burgess: Yeah. And I think one of the things that you mentioned that I also really like is tracking, either on Trello or somewhere, what's the purpose of the things that are going to be in? Because I think in the beginning, when you start doing research, you're like, "Oh, I can remember what all these things are," but you can't when you've read 100 sources. There's no way. And so when you're trying to put the pieces of the puzzle together, you want to remember like, "Oh, that book had this point in it, and this point goes with these other points." And you start grouping things together.
- Alison Monahan: Please. Please write down where, in the article or book you have found this.
- Lee Burgess: Yes. Yeah.
- Alison Monahan: Something like "Page eight of this book says X."
- Lee Burgess: Well, and that's an interesting problem with doing a lot of this electronically, is what do you think's the best way to mark up something that you've downloaded? I guess you ... Is it to just make notes on your Trello card? Or, am I sounding like a dinosaur? Is there a way ... I guess you could use a-
- Alison Monahan: Well, and I think you can mark stuff up if it's a PDF or something.
- Lee Burgess: On a PDF, yeah.
- Alison Monahan: I mean, for me, I would probably maybe read it on the screen, but then the pieces I really want to remember, I would capture in some way whether that's in a document that I then attach to a Trello card, or even just the notes on Trello itself, stuff like that.



- Lee Burgess: Mm-hmm (affirmative), yeah. Yeah, that would work.
- Alison Monahan: So basically, you want to keep track of where you found things... Because it's nothing is more infuriating than being a week out and remember you had this amazing quote that was perfect, and you just can't find it.
- Lee Burgess: That's true.
- Alison Monahan: So frustrating.
- Lee Burgess: And if you haven't truly learned the precision that comes with quoting things in a legal research project, you can't quote the gist of things if you are using quotes. You better make sure-
- Alison Monahan: You don't need to be like, "Well, I kind of think this source said that."
- Lee Burgess: Right.
- Alison Monahan: No, you need an actual quotation. You need to Bluebook it. You can go listen to our [episode on Bluebooking](#) if you're not sure how to do that. Please reserve lots more time to Bluebook than you think. And as we mentioned there, for sources you're going to use a lot, you probably want to have some sort of document that has the standard citations and things so you can just reference those.
- Lee Burgess: Yep. Yeah. And the other thing, I think, that goes along with this is some kind of timeline to go with this project, as well. You need to ... And you can make that part of your research organization, but how long are you going to let yourself do this research, and when are you going to start whittling it down? Because research is also something that can take just about as long as you have to do it.
- Alison Monahan: Yeah, absolutely.
- Lee Burgess: Okay so important things to know when you're doing the research: You need to always be tracking what research you've done. You always need to track what research remains to be done, so you might have an ongoing list of places you wanted to check, or sources, or people you wanted to talk to, to make sure that you've looked at all of the stuff, and as Alison, you mentioned, which I think that's true, when you start to see the same things over and over again, then you're probably done.
- Alison Monahan: Yeah. I mean, I'm envisioning on a Trello board, you can have an open questions list, and maybe make notes on each of the questions about who you need to talk to, or sources you want to look at so that, if you have an hour or two to do some research and you're at the library, you just pull this up on your phone, and



you're like, "Oh yeah, right, I was going to research this. Let me spend an hour on that."

Lee Burgess: Exactly. And then you need to make sure that you're noting what each source is used for, either electronically or write it. If you're printing everything out, write it even on the document, if you need to. And then note which ones they're not using, either electronically or start a no-go pile, but don't waste time. There's not a lot of extra time. Don't read stuff twice.

Alison Monahan: Yeah, exactly. And I think you want to make a plan, like you mentioned, for when your drafts are going to be done, for when your review is going to be done, is your professor willing to look at an early draft? Sometimes they may have a requirement for that, but sometimes they may not. So, I think you want to try to push somebody to look at this before you are too committed to it, because if it's completely going in a direction that doesn't make sense to your professor, you want to know that sooner rather than later.

Lee Burgess: Yeah, and the thing is, go ask your professor if they're going to look at a draft if they haven't said so, because I really think this is an underutilized thing. If your professor will talk to you about your topic or a draft, and you don't go, it's almost like you are just giving up the top grades in the class. I really feel that way.

Alison Monahan: Yeah, that's pretty much just law student malfeasance.

Lee Burgess: Yeah.

Alison Monahan: Or negligent. You're basically being ... It's like law student malpractice at that point.

Lee Burgess: I know.

Alison Monahan: If your professor is willing to look at something that they're going to grade, early on, and you don't bother ... I mean A, it basically says you don't care, which they're not going to be particularly happy about. Obviously, they know who's writing what at this point, so it's not blind grading.

Lee Burgess: Right.

Alison Monahan: You might as well give them the impression you care what they think, even if you don't, you probably should.

Lee Burgess: Right. Check that box. And if they clearly have a perspective or some research that they think you should be checking out for the project, you need to include it. You don't need to just validate their opinion, but if they mention, "Well, have



you looked into this theory," and you're like, "No, I'm good," yeah, that's not going to do good things to your grade, either.

Alison Monahan: Yeah, I mean you can use it or not use it, but I think if you don't use it, you at least want to get back to them and say, "Well, you know, I looked into your suggestion on X, and I'm not really quite sure how it fits in because here's what I think about it. How were you thinking about this? It was different than what was I thinking." And they might be like, "Oh yeah, you're right. That doesn't really apply. Sorry." Or, they might tell you something that you haven't thought about, which would be beneficial.

Lee Burgess: Yeah. So no matter what, you should go talk to them, because this is not blind grading.

Alison Monahan: Yeah, exactly. They know who's writing what.

Lee Burgess: Right. And I think that that's one of the big differences when you're taking these seminar classes is, it's not blind grading. So going to talk to them is going to help you out.

Alison Monahan: Exactly.

Lee Burgess: I guess, unless you blow them off or something. So show up for your appointments.

Alison Monahan: Yeah, don't be rude. But we have something about how you use office hours effectively.

Lee Burgess: Right.

Alison Monahan: So [listen to that podcast](#), or read that.

Lee Burgess: Yeah, but-

Alison Monahan: One thing that I think we do not want to close without mentioning, and please listen to this and take it seriously: Back up your work.

Lee Burgess: So true. You know, we hear so many horror stories from people who lose papers, lose all kinds of things. That should never happen in today's world.

Alison Monahan: Yeah, absolutely.

Lee Burgess: There are processes you can use, things like Dropbox that you can just put on your computer. The one thing there, as we've mentioned before, you need to be careful about saving drafts, because you don't want to just save over the



same document every single time. Maybe at the end of every day you save a copy, occasionally print a hard copy. There are things you can do, email it to yourself. Doesn't really matter, but you want to make sure you don't only have one copy of this, even if you're backing it up.

Alison Monahan: For sure. Because, God forbid, you hit select all delete, and then something happens and you can't get the document back, that is a disaster.

Lee Burgess: A disaster, yeah. I think the other thing outside of backing up, and you can put that on your to-do list, is to really spend some time building yourself a schedule and setting these internal deadlines and holding yourself to them. Because if you are a procrastinator, I think it can be easy to underestimate the amount of time that it takes to do all of these steps. And if your professor isn't setting a lot of deadlines for you throughout the semester to turn in an outline, turn in a draft, it can creep up on you really quickly. So you've just got to be a grown up and make a work schedule and stick to it, or this is not going to get done.

Alison Monahan: Well, and also be doubly sure that you really know how long the paper is. I remember one semester I had accidentally signed up for three paper classes, one of which was outside of the law school. And I was like, "Okay, well this won't be bad," but I've sort of figured out how long each one is, and I was writing this one that was outside the law school, and it just kept getting longer and longer and I'm looking at the word count and I'm still not there, and I realize I had actually decreased the page length in my head by half, so I thought it was writing 20 pages, and I was actually writing 40 pages, because it just had a word limit. Nightmare. Nightmare. Make sure you know what you're getting into.

Lee Burgess: Yeah, and I think the other way that you can underestimate the legal papers is, you've got to Bluebook them. You can listen to our ever-riveting episode on the Bluebook if you haven't yet, but Bluebooking takes a really long time. And so it's not like you can just crank this out the night before and do a quick proofread.

Alison Monahan: Definitely not.

Lee Burgess: No. I mean, it takes quite a long time. So you need to give yourself time to go back, do all of that Bluebooking, and then of course, proof all of that Bluebooking and double check it, and triple check it. I think that if you're doing it for a seminar, your professors may not be as crazed about the Bluebook, but you never know. Some of them basically have the Bluebook memorized, and they might find it very disrespectful that you didn't take time to clean up your citations.

Alison Monahan: Well, and I think the expectations are higher, too, once you're 3L because people assume, "Oh, you've been on a journal, you should know this." So in some ways, I think they have higher expectations than when you're in your 1L



legal research and they understand like, "Okay, this is the first time you've ever done this, you're trying your best."

Lee Burgess: Yeah, that's a really good point.

Alison Monahan: Here, it's more like, "You're getting ready to go out and be an actual lawyer in a few months, you need to be able to do this correctly."

Lee Burgess: Yeah, yeah. I mean, because this ... You don't necessarily write 35, 40-page papers in your real life, for most people, when they're practicing law. But legal research and writing and creating professional documents is what you do in the real world. So it is-

Alison Monahan: I mean, you might easily have a 30 or 40-page brief, that's not at all-

Lee Burgess: That's true, if it's a big issue.

Alison Monahan: Yeah, I mean that's not at all out of the question. Certainly, I saw and wrote a lot of those.

Lee Burgess: Yeah.

Alison Monahan: All right well unfortunately with that, we are out of time. Good luck on your papers. If you enjoyed this episode of the Law School Toolbox Podcast, please take a second to leave a review and rating on your favorite listening app because we would really appreciate it, and make sure to subscribe, so you don't miss anything. If you have any questions or comments, please don't hesitate to reach out to Lee or Alison at Lee@lawschooltoolbox.com or alison@lawschooltoolbox.com, or you can always contact us via our website contact form at lawschooltoolbox.com Thanks for listening and we'll talk soon.

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