

## How to write a course paper (basic rules)

### A. The functions of course papers in academic studies

#### I. *The ordinary functions of all university course exams*

- see material "How to answer exam questions", part A.
- in particular the functions to examine your accumulated knowledge, your deeper understanding of the subject matter, your analytical skills and your presentation skills

#### II. *The function to examine your ability to do scientific work*

- your ability to plan, prepare, implement and accomplish a research project in time
- your ability to produce a scientific paper that meets all intellectual and formal standards of scientific work (see infra, C.)

### B. The steps and stages of writing a course paper

#### I. *Preparation for the project and determination of the subject*

##### 1) Preparation of your working environment

- update your IT environment (notebook, printer, smartphone, software, internet connections) and make sure that everything is working smoothly
- make arrangements with friends who will discuss your ideas with you and assist you technically (making copies, borrowing books from the library etc.) in case of time pressure
- buy, borrow or copy important books and journal articles in advance
- prepare a collection of browser bookmarks of reliable relevant internet resources

##### 2) Preparation of your living environment

- make sure that there will be no time consuming private obligations during the last week or days of your project
- it is helpful if friends or family members care for you in the last days of your project in case of time pressure

##### 3) Careful determination of the subject

- choose your subject carefully to prevent complications; avoid a too broad subject that will demand too much of you!
- if possible, first choose a temporary working title and determine the definite title later, when you know exactly what you want to write about
- the contents and the title of your paper must under any circumstances match with each other!

#### II. *Preparation of the writing down*

##### 1) Familiarisation with the subject and the relevant law

- an essential step that must precede the gathering of materials and the going into details

##### 2) Gathering and management of information and materials

- of relevant literature, laws, jurisprudence, international treaties, foreign laws and other relevant information and materials
- get access through specialised literature, general literature on the field of law, library catalogues, metacatalogues, databases and expert websites

##### 3) Scientific reflection and time and text volume management on the basis of a draft outline

- set up a framework in the form of an *exactly tuned draft outline for your whole text* in a separate file
  - focus on an appropriate, clear and logical, dogmatically consistent structure and a comprehensible line of thoughts, which allows easy orientation
  - split up complex questions into separate sub-questions that are easier to handle
  - *plan the amount of time and text* (pages, words) you want to spend on the individual parts and sub-parts in your paper; allow for reserves and later check frequently if your planning is still realistic
- reflect thoroughly all topics and aspects on the basis of your draft outline
- process all information, develop all important ideas and note them at the correct place in the draft outline
- be aware that insufficient preparation before the writing down usually leads to
  - wordy, non-focused and poorly weighted text which does not clearly show your ideas
  - text passages which are not in line with each other and therefore later need to be reformulated
  - text passages which have caused a lot of work but later turn out to be redundant and must be deleted

### III. The writing down

- 1) Writing the text on the basis of the constantly updated draft outline
  - focus on the main aspects, avoid an imbalanced presentation!
  - update the draft outline constantly, in particular with regard to the remaining time and volume
    - delete less important details if you run out of time or allowed text volume
- 2) Structuring the text by well-coordinated, precise headlines
  - often ignored but important to show your deeper understanding, prove your advanced analytical skills and allow quick and easy orientation
  - reading just the headlines must make clear your line of thoughts
  - avoid unstructured text of more than two or three pages in a course paper
- 3) Adding a table of contents and a bibliography
  - use the automatic function of Microsoft Word to produce and update the table of contents
  - in a larger course paper, in order to show your professionalism, you may also add a list of abbreviations, an index, a table of jurisprudence or laws or an appendix
  - if there is a text volume limit for the course paper, ask the lecturer if these documents will be included in the calculation

### IV. The final check

- reserve one day for a thorough final check - you will lose little time but may gain much!
- Does the text really match the title of the paper?
- Is the structure coherent and consistent?
- Have you processed all important information and ideas noted in the draft outline?
- Have you discussed the various aspects in the right order?
- Does your line of thoughts become apparent in the text?
- Should you delete some unnecessary details that might be confusing?
- Have you referred in footnotes to all jurisprudence and doctrine you draw upon?

## C. The standards for a scientific paper

### I. Intellectual standards

- 1) Standards of intellectual authenticity and originality
  - intellectual honesty (→ no plagiarism, no quoting without own reading, no hiding of inconvenient theories or positions)
  - intellectual independence (in particular independent reasoning)
    - considering, discussing, integrating and modifying but not just copying the arguments of others
    - in a scientific paper you are free to criticise the positions of your lecturer, of famous scholars, the Supreme Court, the Constitutional Court or other "authorities" - you just must give good reasons!
    - *references to "authorities" cannot substitute your own reasoning!*
- 2) Standards of intellectual accuracy, consistency and precision
  - accurate information based on references
    - an essential standard of scientific work often ignored in Southeast Asia and East Europe
    - general rule: **every single information** in the whole paper which is not evident (obvious) **must be backed by a reference which allows to verify it!**
    - this will usually require one or two footnotes in most paragraphs of your text
  - *logically and dogmatically consistent structure*
    - the structure of your text reflects your ability to think correctly and precisely
    - no dealing with sub-subjects at the same level as the main subject
    - no introduction of a new subordinated level if there are not two or more subordinate points
    - identify any remarks outside your line of thoughts as "excursus"
    - use correct, well-formulated headlines for the parts and sub-parts that go well together
    - use a *coherent pattern of division and subdivision* that allows easy orientation and is familiar to the reader
      - e.g. A./I./1/a) or I./A./1./a); sometimes confusing but admissible: 1./1.1/1.1.1/1.1.1.1.
      - the common patterns differ considerably depending on discipline and country
  - *precise and logical reasoning* in accordance with the laws and principles of legal methodology
    - reveal, which legal methods you apply in which context in your legal reasoning and why
  - *intellectual coherence* (coherent terminology, coherent use of legal methods, coherence and consistency of your positions)
- 3) Standards of intellectual thoroughness
  - comprehensive consideration and appreciation of the most relevant jurisprudence and literature
  - comprehensive discussion of the most relevant aspects and arguments
  - it is better to *narrow the subject and discuss it thoroughly* than to choose a broad subject and present it superficially

## II. Formal standards<sup>1</sup>

- 1) The purpose of formal standards
  - to ensure intellectual honesty, accuracy and precision
  - to allow *easy orientation*, provide *quick access to information* and allow *easy verification* of your information
  - there are variations in formal standards depending on the scientific discipline and the national scientific culture
    - however, unprecise or unaccurate quoting is unscientific - in any discipline, country or language...
- 2) The formal structure of the course paper
  - proposed structure for a short course paper: • table of contents, • bibliography, • main text
  - proposed structure for a longer course paper: • table of contents, • bibliography, • list of abbreviations, • main text, • index, table of quoted jurisprudence, table of quoted laws and other legal sources, • appendix (where appropriate)
  - the table of contents must allow to find any relevant passage in your course paper within a few seconds; the listed headlines must correspond exactly to those in the main text
- 3) The scientific style of writing
  - an *objective and precise style of writing*
    - precise and exact formulations, smart and correct use of prepositions, conjunctions, verbs etc.
    - no emotional expressions, strong language or exaggerations ("certainly", "of course", "without doubts", "very" etc.)
    - no use of subjective style ("we", "I" etc.)
    - specify legal norms as exactly as possible (article, section, sub-section, no., lit. etc.)
    - avoid transcribing long passages of statutes or other legal acts
  - a structured, purposeful style of writing
  - a *concise style of writing*
    - a scientific paper is not an essay - it should be short, compact and concentrated but not entertaining...
    - nevertheless, try to achieve an eloquent, fluent linguistic style
    - if possible, avoid long and encapsulated sentences
    - if possible, use active voice instead of passive voice
- 4) The bibliography
  - list all *cited legal literature and other scientific literature*, including internet publications
    - do not list non-scientific resources (e.g. non-scientific websites and Wikipedia articles or social media sites)
    - however, important parliamentary or other official materials may be listed separately at the end of the bibliography
  - necessary information: • full name of the author(s) or editor(s), • title and subtitle of the publication (if applicable, with specification of the quoted volume), • edition (if it is not the first edition), • year (and optionally place) of publication
  - specify for articles in legal journals the volume or year of the publication and the page where the article begins
  - specify for internet publications the exact web addresses with *deep links* and indicate when you verified them
  - pay attention to the *correct spelling* of the names and titles (including special characters and diacritical marks)
  - add a *translation of the title and subtitle [in brackets]* if it is in a foreign language but not in English
  - all *bibliographical specifications*, except those on the names of the authors and editors and on the titles and subtitles, must be *in the language of your paper* (e.g. "editor", "volume", "page"), not in the language of the publication
- 5) The art of scientific citing
  - prove all information or considerations you draw upon by correct citations
  - indicate *where exactly* the information can be found
    - always **refer to the exact page**, *marginal number*, *paragraph*, *recital*, *footnote* etc.
    - when citing judgements, refer preferably to official margin numbers
    - when citing journal articles, refer to the page where the article begins and to the cited page
    - the titles of journal articles and the web addresses of internet resources are usually only specified in the bibliography
  - indicate *what exactly* is the information or consideration in the cited source
    - pay attention to the *correct context*: the sentence substantiated by the citation must have the same contents as the cited passage!
    - place the footnotes accurately (behind the paragraph, the sentence, the relevant part of the sentence, a special term etc.) to indicate the context as precisely as possible
    - often, clarifications are necessary to elucidate the context; in English, a vague context can be marked by "cf." (for "confer")
  - *verify all citations* you find in your materials before copying them - they will often prove incorrect or the quoted statement will not fit into the concrete context of your work!
- 6) The formatting of the scientific text
  - an appealing formatting shall provide for a clear and easily readable presentation of the text
  - make restrained and graduated use of modern formatting options
  - emphasize important keywords *in italics* (so that the reader will not miss them)
  - insert at least *one empty line in front of every headline*
    - the headline and the following (not the preceding) text constitute one unit!
  - strictly *no headlines standing alone at the bottom of the page*, separated from the corresponding text!

(Date: Write a course paper (LegalWriting))

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<sup>1</sup> See for a thorough presentation of the formal standards my course material "Introduction to legal case-solving", Hanoi, Semester 2013/14, p. 11 ff., [www.thomas-schmitz-hanoi.vn/Downloads/Schmitz\\_Case-solving\\_introduction.pdf](http://www.thomas-schmitz-hanoi.vn/Downloads/Schmitz_Case-solving_introduction.pdf).