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Autumn School of Legal Writing (Introduction to Academic) Legal Writing

Jürgen BUSCH & Florian HEINDLER

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TOPICS (Part 1, Juergen Busch, 09 10 2023)

Unit 1: What does it mean to write an academic text in law?

- To start with the work: to choose a subject and a topic; points of departure; time framework
- Class exercise: key word list

Unit 2: Where does the information come from? & Where to search?

- Legislation, case law and doctrine
- Strategies and (online) Libraries
- Online Tools (EU Law)
- Documentation and Citation
- Class exercise





TOPICS (Part 2, Florian Heindler, 12 10 2023)

Unit 3: How to Process the Information?

- Gaining and Keeping an Overview

• Unit 4: An Academic Text in Law: Framing your Thesis

- Structure/Outline & Table of Content (sub-structures and definition of their contents in relation to materials)





CLASS METHOD

key notes/outlines on unit topics by lecturers

- Exercises (individual and in group)
- Selected examples of participants
- Discussion
- **MATERIALS** (QR citation guides, exercises, PPT)
<https://is.muni.cz/go/kgq851>





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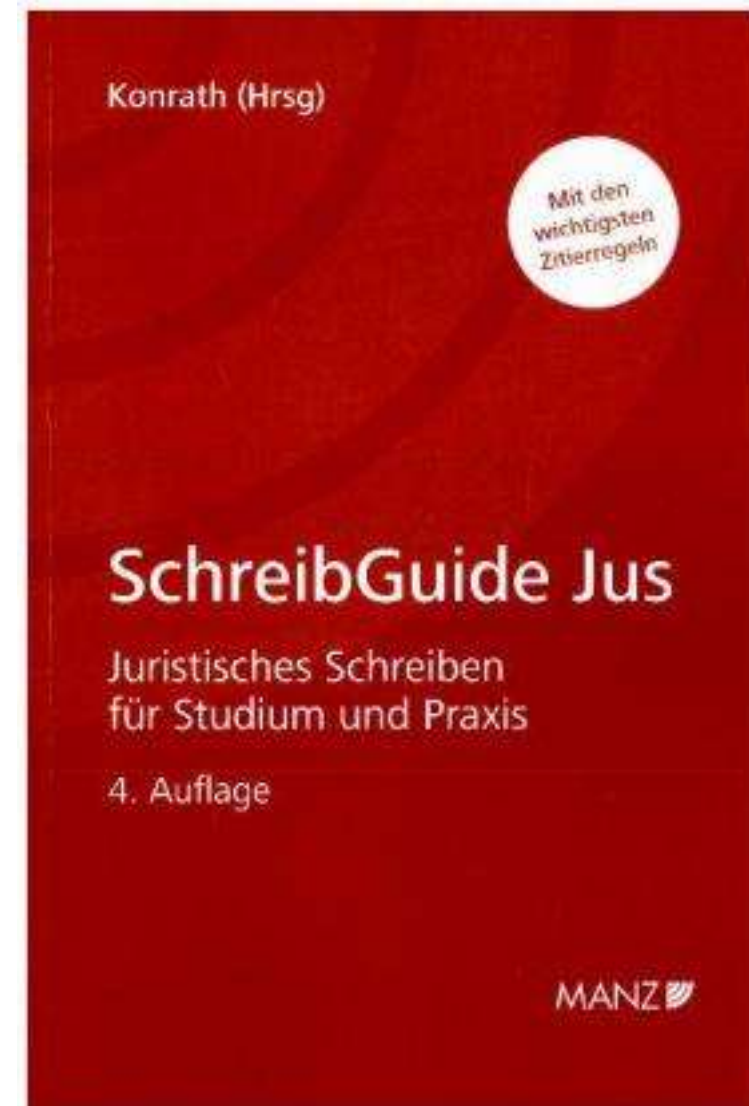
MATERIALS

• Reading:

(Busch/) Konrath (ed.),

SchreibGuide Jus⁵,

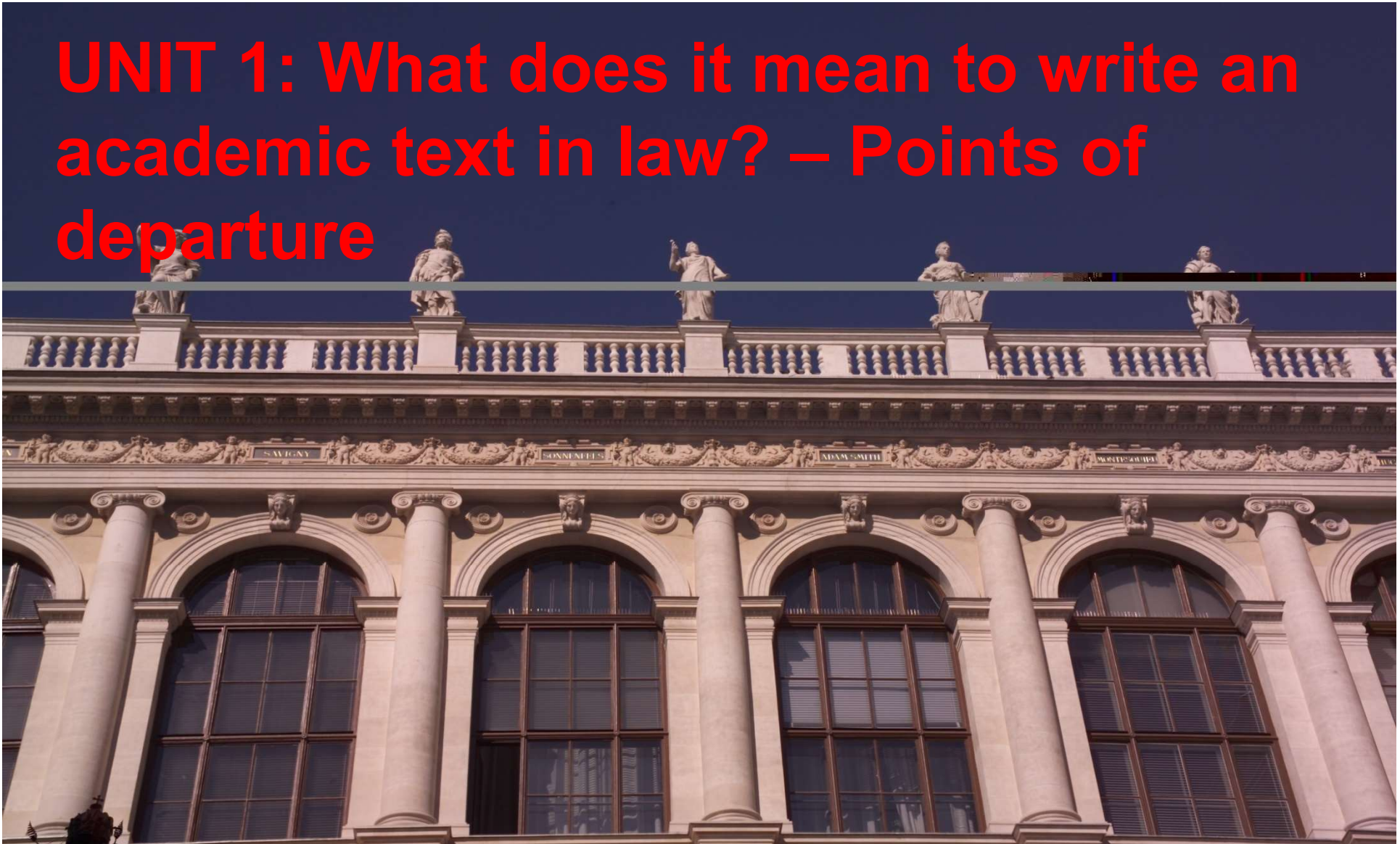
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UNIT 1: What does it mean to write an academic text in law? – Points of departure





WHAT DOES IT MEAN TO WRITE AN ACADEMIC TEXT (IN LAW)?

Ability to develop one's own thoughts & opinions on a given (legal) topic (and related research questions addressed)

- **on the basis of valid legal sources, their application and the state of the art of the debate in legal scholarship,**
- **in discussion and confrontation with qualified standpoints of others,**
- **through the application of adequate methods,**
- **and to present them in a comprehensive, coherent, and verifiable way.**





CHOSING A SUBJECT AND THE TOPIC

own interests – identification with topic

- **chosing a topic = process of specifying own interests and first deeper reflection and personal debate of the topic**
- **Questions to be observed during this process:**
 - what were the topics I have dealt with during studies / practical experience
 - which topics (related questions) in a particular subject (several subjects) did I find interesting enough to further deepen their debate





CHOSING A SUBJECT AND THE TOPIC

- **Questions to be observed during this process (cont.):**
 - does it fit the specific task (of writing a 20 pages seminar paper or a 150 pages thesis = adding new academic findings to the debate)
 - what are the specific interests I have in the topics of general interest to me on my list of possible topics adequate for a seminar paper/a thesis
 - which one of these topics is as interesting as (almost exclusively) concentrating on it for several weeks/3-4 years
 - check again: does the scope of my preferred topic fit the scope of the task: seminar paper/PhD thesis (is it too broad/too narrow)





STARTING WITH THE WORK

Possibilities to reflect on preliminary knowledge and own ideas – Exercise 1 (suggestion): 10 minutes of spontaneous writing on your topic

- within 10 minutes, write down spontaneously what comes to your mind when thinking of your topic (write in whole sentences!)
- alternatively, you can also chose to write a formal letter to a close friend or relative, telling about your new task of writing a paper/thesis. Think of what you have to give the receipient an idea of what are things you have to do and observe now.

- **look at your texts again and reflect: what is of crucial importance for me in what I wrote; where can I start my research (you might also prefer diagrammes ...)**





STARTING WITH THE WORK

Possibilities to reflect on preliminary knowledge and own ideas (Exercise 2, in class):

Chose a topic for a seminar paper, a master/bachelor or PhD thesis in law (15 minutes group discussion ...)

- explain to your colleagues why you have chosen a particular topic (personal interest, came about during studies or work, ...)
- explain to your colleagues why the topic fits the specific task: expectations regarding quantity and quality, describe the intended related volumes of your contribution, what will be your own academic/scientific contribution, open (research) questions?
(... followed by a couple of minutes of collecting key words)
- note down all key words that come to your mind when you think of your topic





Examples Key Word Lists exercise 2

Example 1: right to initiate an act, majority in chamber, number of readings, override, presidential veto, statement of reason, amendment of an act (topic: comparison of leg. Process in CZ and PL; scope: seminar paper)

Example 2: gender perspective, succession state doctrine, fruits of vicious acts, context dependency (topic: doctrinal succession acts as a reformulation of fruits of vicious acts doctrine, from a gender perspective; motivation: related question triggered out of own const. court experience – had to solve a related case)

Example 3: ordinary & extraord. Appeal proceedings, final verdict/non-final verdict, attorney general, criminal procedure/trial (seminar paper on appeal proceedings in criminal procedure – possibility to amend, any required corrections)





STARTING WITH THE WORK

These questions are meant to help you to be sure about your own standpoint = point of departure for your work! Meaning:

- **what is your role (as a researcher)**
- **what kind of preliminary knowledge do you have about your topic**

- **Questions to further reflect on your point of departure as regards knowledge of your topic (Exercise 3 – Suggestion)**
 - what do I already know about my topic
 - what do I need to find out, what do I need to deepen
 - how can I do so (looking for literature, talking with colleagues)
 - how can I proceed with this, what about my time



STARTING WITH THE WORK

With giving yourself answers you start to formulate your preliminary research questions!

- **you can now start to target your research and to look for information under certain aspects of your research questions (instead of start to work into the blue)**
 - **for a first overview on your specific questions, you should**
 - **get familiar with relevant legislation (statutes) & case law on the issue**
 - **and in particular consult course/text books and commentaries (where your topic is embedded in broader contexts)**
- there you will also find information on further specialised literature, judgments (potentially also on historical background or the international dimension of the topic)





STARTING WITH THE WORK

- **this first phase of targeted reading also enables you to**
 - deepen your knowledge (in areas you really need for your topic)
 - find your points of departure for several of your research questions
 - specify these questions and to adapt them, where necessary
- **it is recommended to take first notes on the readings (in particular: where did I read what) and to summarise the information from time to time**
- **open a research folder/research diary, where you collect your notes, ideas, quotations, memorise literature, etc**





STARTING WITH THE WORK

TIME Management (Exercise 4, suggestion): it is important to create a time framework for the work, deviding the individual steps of the writing process

- points of departure and their reflection
- collection of material
- gaining an keeping an overview
- establishing a framework for the work (table of content)
- writing the individual chapters
- revisions, final draft

• among the time available (deadline for submission of paper/text?) and to use it for self-evaluation and controll (Did I achieve what I planned for this and that periode?)





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UNIT 2: Where does the information come from & Where to search?





MATERIALS for your work

Where does the information for my academic paper come from?

- **legal provisions (laws, ordinances, treaties)**
- **decisions (judgments by courts/arbitral tribunals; decisions by administrative bodies)**
 - to be found in official journals and (online) collections/compilations
- **(legal) literature**
 - text/course books and handbooks
 - commentaries
 - monographs (books)
 - articles (in scientific journals)



MATERIALS for our work

How to strategically and systematically search for the necessary information?

- **systematic search by key words (see exercise 1)**
 - online library catalogues; indexes of (online) journals; legal databases
- **the „snowball effect“**
 - following the traces of materials/literature in texts you have already identified as relevant/studied





WHERE TO LOOK FOR THE MATERIALS?

Libraries (online catalogues)

Library of Congress: <http://catalog.loc.gov>

Online Journals/Journals Online

• Common Market Law Review/European Law Journal:

<http://www.kluwerlawonline.com/toc.php?pubcode=COLA>

[http://onlinelibrary.wiley.com/journal/10.1111/\(ISSN\)1468-0386](http://onlinelibrary.wiley.com/journal/10.1111/(ISSN)1468-0386)

Databases

• EUR-Lex: <http://eur-lex.europa.eu/en/index.htm>

• SSRN: <http://www.ssrn.com/>

Blogs

• EAPIL: <https://eapil.org/blog/>

Webpages

• EU Commission Comitology Register:

<http://ec.europa.eu/transparency/regcomitology/index.cfm?CLX=en>





EU LEGISLATION (procedure of legislation)

- **eur-lex website of legal acts and proposals**

- Service Regulation recast

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018PC0379>

- Procedure subpage with documentation

<https://eur-lex.europa.eu/legal-content/EN/HIS/?uri=CELEX:52018PC0379>

- **legislative observatory EU parliament**

- Civil liability regime for artificial intelligence

[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2020/2014\(INL\)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2020/2014(INL))



EU COMITOLOGY

- **Difference between legislation („ordinary procedure“ laid down in Art 294 TFEU), delegated legislation (Commission) and acts of implementation = of admin. kind (MS; Commission, exceptionally Council: e.g. Art 24 & 26 TEU)**
- **EXAMPLE for supporting measure as referred to in Art 2 para 5 and Art 6 TFEU: Erasmus+ Programme and its implementation in the MS; Regulation 2021/817:**
 - Chapter XII, Art 34: rules for the implementation of the act, referring to Comitology decision 2011/182/EU and its Art 5 (examination procedure)
 - be aware of the difference between COMITOLOGY, COREPER (Committee of Permanent Representatives), Advisory Committees (C. of Regions), Conciliation Committee Art 294 para 8 ff.





EU COMITOLGY: LEGISLATION vs. EXECUTION

COMITOLGY:

<http://ec.europa.eu/transparency/regcomitology/index.cfm>

- Comitology Register
- select „search the register“
- enter committee search term („Erasmus“)
- select „Erasmus+ 2021-2027 Committee“
- see „meetings“
- select a meeting and see draft implementing acts





MATERIALS for your work - Literature

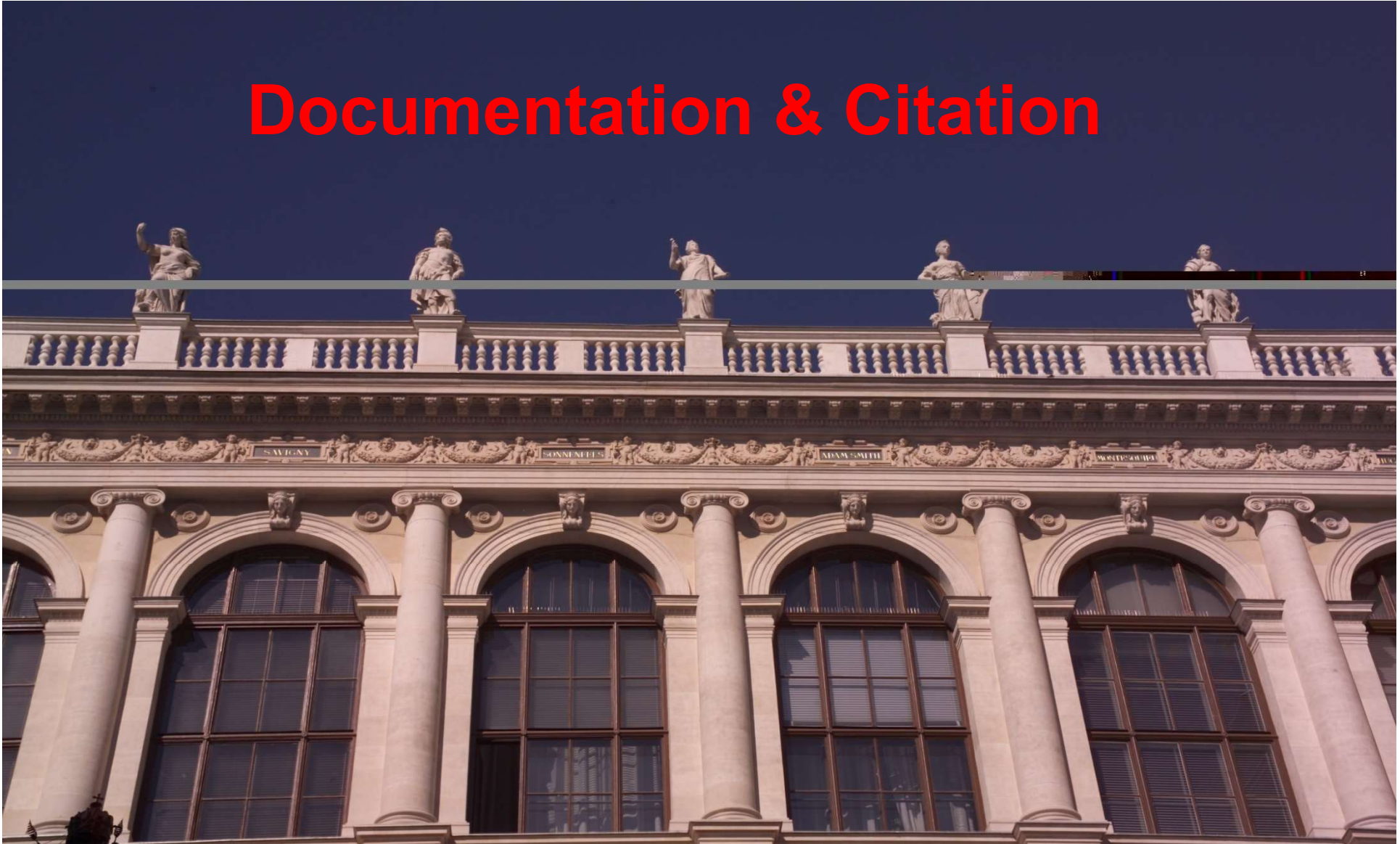
Exercise 5 (suggestion):

- Please list the 3 most important books and the 10 most important articles you intend to use for (the current part of) your work.
- Shortly explain for each of them why they are so important (in general; for a specific part of your work; how did you get to know/how did you find these texts).



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Documentation & Citation





Possible Elements of Academic Documentation

- **Footnotes / (Endnotes)**: quotations (full and short versions), references, cross-references, further reading, further explanations/details, etc. – but be careful: footnotes shall document/compliment the text and shall not develop into a a parallel text!
- **List of Abbreviations** (of statutes, of law journals, etc.)
- **Bibliography and List of Sources** (table of cases, table of legal sources/statutes used and cited)
- **Glossary** (short explanations of terminology used)
- **Index** (list of key words, core expressions)



Increasing juridification of international politics¹ has situated public international lawyers as self-styled prime-movers in the design of a new normative ordering beyond the state.² The breaking of geo-political frames accompanying globalisation heralds new de-territorialised forms of 'fragmented sovereignty',³ points to alternative scenarios of global ordering, draws attention to the rise of functional regimes, points to hybrid actors and private rule-making, and breathes new life into the recurring debate on the real nature of international law as law.⁴ Beyond international law's traditional

- 1 See eg Armin von Bogdandy, Philipp Dann and Matthias Goldmann, 'Developing the Publicness of Public International Law: Towards a Legal Framework for Global Governance Activities' (2008) 9(11) *German Law Journal* 1375. The much heralded contemporary turn to law in the international arena, and its corollary, the rise of international courts (and their role as 'tipping point' actors; see K Alter, 'Tipping the Balance: International Courts and the Construction of International and Domestic Politics' (2010–11) 13 (1) *Cambridge Yearbook of European Legal Studies* 1), or the multiplication of new supranational law-makers (on which see J Alvarez, *International Organizations as Law-Makers* (Oxford University Press, 2006)) can also be formulated as a scathing critique, to the extent that the turn to law is perceived to be taking place at the expense of the political (see M Koskenniemi, *The Politics of International Law* (Hart Publishing, 2011) 359; 'What we see now is an international realm where law is everywhere—the law of this or that regime—but no politics at all ...'). As will be shown below, such depoliticisation is partly due to the multiplication of autonomous legal regimes, each vying for supremacy—partly due to the distinct trend towards the privatisation of trade and investment, partly due to the primacy of finance and technical expertise rather than the real economy and deliberative democracy, and partly because of the involvement of the supranational courts in discrete dispute resolution, rather than in global governance.
- 2 On the reasons for this turn from a perspective within the discipline, see C Schwöbel, 'The Appeal of the Project of Global Constitutionalism to Public International Lawyers' (2012) 13(1) *German Law Journal* 1. The rise of comparative constitutionalism and international federalism within the field are also emblematic of its turn towards grand global institutional design: see, for example, on the perceived 'demand for international constitutionalisation', J Dunod and J Trachtman (eds), *Ruling the World? Constitutionalism, International Law and Global Governance* (Cambridge University Press, 2009) 5 ff; cf J Klabbers, A Peters and G Ulfstein, *The Constitutionalization of International Law* (Oxford University Press, 2009) 4. This turn is not, however, always perceived as convincing, either because it frequently consists of projecting familiar domestic forms on the global arena (see D Kennedy, 'The Mystery of Global Governance' in *Ruling the World?*, 37), or because the attainment of global justice may require alternative schemes, such as a 'new global law' (see R Domingo, *The New Global Law* (Cambridge University Press, 2010)), or the exploration of spaces for contestation and recognition (see E Jouannet, *Qu'est-ce qu'une société internationale juste? Le droit international entre développement et reconnaissance* (Pedone, 2011)).
- 3 See H Kalmo and Q Skinner (eds), *Sovereignty in Fragments* (Cambridge University Press, 2010).
- 4 The core doctrines of legality and morality that underpin customary international law are currently threatened by the claims of rational choice theory to provide more plausible explanations for the compliance of sovereign actors (see J Goldsmith and E Posner, *The Limits of International Law* (Oxford University Press, 2005)). On the other hand, attempts have been made to present 'outcasting' as enforcement, the lack of which has long been perceived as the strongest argument against public international law's claim to be law (see O Hathaway and S Shapiro, 'Outcasting: Enforcement in Domestic and International Law' (2011) 121 *Yale Law Journal* 252). In turn, however, the intellectual viability of social sciences approaches are challenged (R Howse and R Teitel, 'Beyond Compliance: Rethinking Why International Law Really Matters' (2010) 1(2) *Global Policy* (online), 10(8) *NYU School of Law, Public Law Research Paper*). It is not, of course, the aim of this article to engage with public international law's internal doctrinal debate; it suffices to point out that similar moves to emphasise 'unofficial' reputational sanctions in order to consolidate the claims of various forms of infra- or trans-national law, which are a core feature of social theory, have also long been at the heart of arguments for the status of *lex mercatoria* as transnational legal order (see B Goldman,



Citation Rules

Leading international standards:

- OSCOLA (GB)

<http://www.law.ox.ac.uk/publications/oscola.php>

- The Bluebook. A uniform system of Citation (USA)

<https://www.legalbluebook.com/>

<https://www.legalbluebook.com/bluebook/v21/quick-style-guide>





Citation Rules – Exercise 6

Cite the following sources first according to OSCOLA and second according to Bluebook rules:

- John Gardner, *Law as a Leap of Faith: Essays on Law in General*, Oxford University Press, 2012, p. 23
- Jürgen Basedow, *The Europeanization of private law: its progress and its significance for China*, *The Chinese Journal of Comparative Law*, Vol. 1, 2013, pp. 49-65.
- Spyridon V. Bazinas, *Towards Global Harmonization of Conflict-of-Laws Rules in the Area of Secured Financing: The Conflict-of-Laws Recommendations of the UNCITRAL Legislative Guide on Secured Transactions*, Permanent Bureau of the HccH (editor), *A Commitment to Private International Law. Essays in Honour of Hans van Loon*, 2013, Intersentia, pp. 1-37





Citation Rules – Exercise

OSCOLA

- John Gardner, *Law as a Leap of Faith: Essays on Law in General*, OUP 2012, 23
- Jürgen Basedow, 'The Europeanization of private law: its progress and its significance for China' (2013) 1 *The Chinese Journal of Comparative Law* 49, 54
- Spyridon V. Bazinas, 'Towards Global Harmonization of Conflict-of-Laws Rules in the Area of Secured Financing: The Conflict-of-Laws Recommendations of the UNCITRAL Legislative Guide on Secured Transactions' in Permanent Bureau of the Hcch (ed), *A Commitment to Private International Law. Essays in Honour of Hans van Loon* (Intersentia 2013) 1, 35





Citation Rules – Exercises

Bluebook

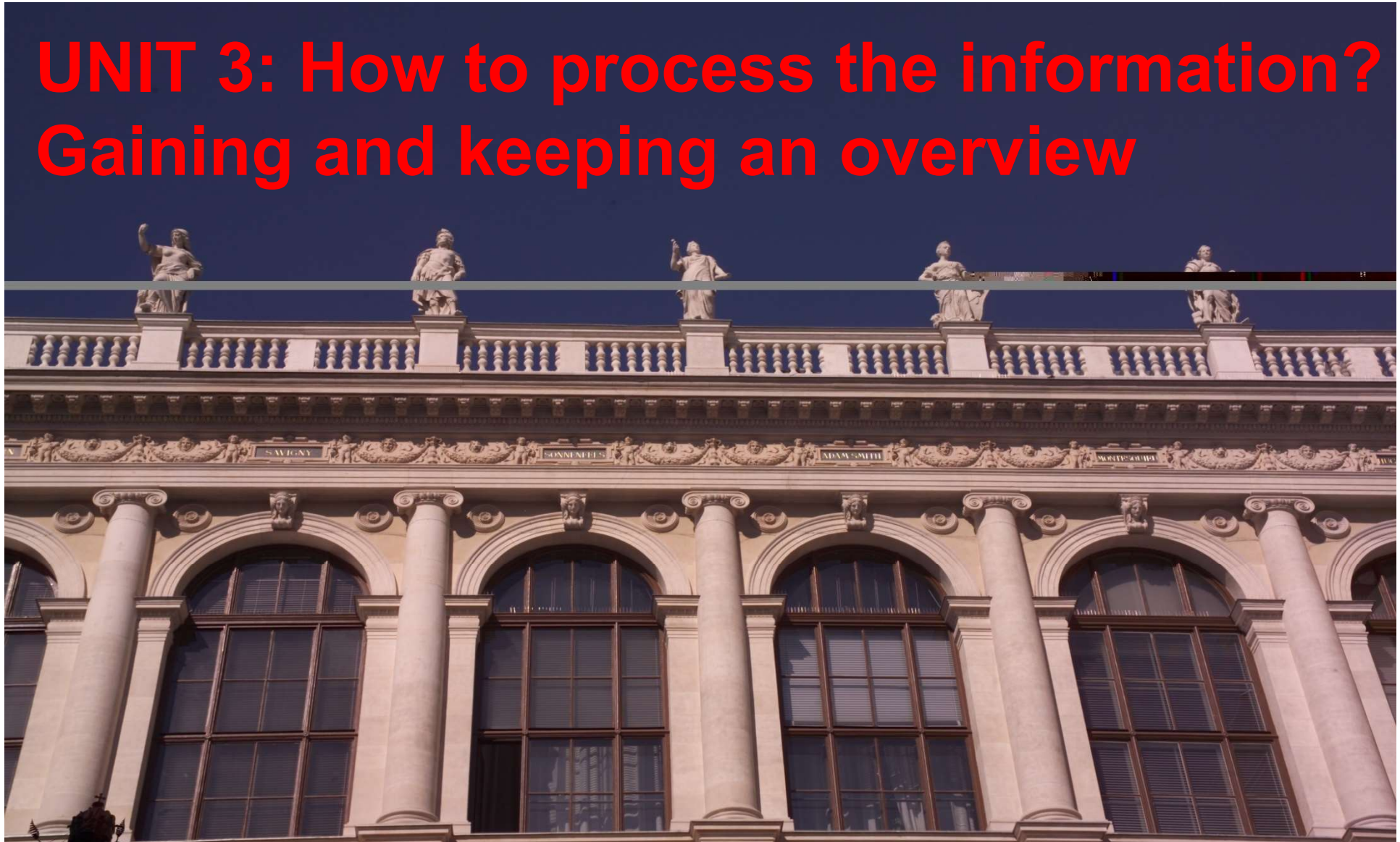
- JOHN GARDNER, LAW AS A LEAP OF FAITH: ESSAYS ON LAW IN GENERAL 23 (2012).
- Jürgen Basedow, *The Europeanization of private law: its progress and its significance for China*, 1 THE CHINESE JOURNAL OF COMPARATIVE LAW 49, 54 (2013)
 - OR: ... , 2013 THE CHINESE JOURNAL OF COMPARATIVE LAW 49, 54 (if no vol. number exists)
- Spyridon V. Bazinas, *Towards Global Harmonization of Conflict-of-Laws Rules in the Area of Secured Financing: The Conflict-of-Laws Recommendations of the UNCITRAL Legislative Guide on Secured Transactions*, in A COMMITMENT TO PRIVATE INTERNATIONAL LAW. ESSAYS IN HONOUR OF HANS VAN LOON 1, 35 (Permanent Bureau of the Hcch ed, 2013)





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UNIT 3: How to process the information? Gaining and keeping an overview





What do I already know about my topic?

Exercise 7a (in class, 15 min):

- **on the basis of exercise 2 (above):** note down all key words that come to your mind when you think of your topic

now continue with:

- highlight those key words that are of special importance for your topic or that are of special interest to you
- (if time allows) note down potential relationships between your main key words and reflect on what has to be considered accordingly when deepening the substance and relations of these key words





Examples Key Word Lists exercise 7a

Example 1: Moot Court paper, employment law: free holidays in different religions: difference Yom Kippur-Karfreitag, EU anti-discrimination, constitutional court judgement, protestant church; importance of relation of these two days; differences among rel. communities, political context (comparative exercise, analogy)

Example 2: seminar paper anti-money laundering: banking sector, kyc-principle, ultimate beneficial owner, source of money; system-view: states cooperate with private entities like banking – compliance rules(kyc: company – who is ultimate owner, source of money)

Example 3: seminar paper abortion: recent developments, Poland (const.): reproductive rights, criminal law, unconstitutionality; many reproductive rights are criminalised (question simple law or const. law)





Gaining an Overview

Exercise 7a forms the basis for 2 different steps further in the research/writing process

- facilitating the effective screening of the available material (key words as the basis for key word search in databases/library catalogues & reflection on key words in order to define research questions)
- facilitating the effective & coherent development of a preliminary structure for your work (as a basis for a preliminary table of content)





Gaining an Overview

Exercise 7b (in class; on the basis of exercises 2 & 7a):

- by taking into consideration what you have noted down out of your reflection during exercise 7a, what are potential related **RESEARCH QUESTIONS** that come to your mind in line with the core set of key words?
- what kind of „**METHOD**“ do you want to follow in order to give answers to your research questions?





Examples Research Questions, exercise 7b



- **Example 1:** PhD thesis int. tax law: EU mandatory reporting act (Meldepflichtgesetz): international tax relations, information system for all jurisdictions involved; purpose is to reduce tax fraud: comparative law question implementation in GER and POL (lot of differences regarding amount of fines could be observed); how to implement a “new thing” into own legal system; no decisions available yet (how would a first issued decision effect follow-up decisions in other countries?)
- **Example 2:** PhD thesis: open banking principle (nice topic): access to payment accounts of certain fin-tax: data protection, competition law, banking law: is the open bp-principle in line with GDR requirement; liability of bank if access is not provided accordingly; can systemic interference amount to breach of competition law (e.g. market forclosure): all 3 questions pot. involve qualitative analysis; questions of technical solutions/technology in the background (context); consumer protection (interest groups/organisations), standard clauses



Gaining an Overview

Effective reading of your material: How to select material according to relevance – STEP 1

- screen tables of contents (of journals; of books suggesting to be of relevance according to title, recommendation in other texts, etc)
- screen prefaces and introductions
- screen summaries/conclusions
- screen indexes

in the light of your **KEY WORD LIST** (at the same time reasuring you: are my key words compatible with databases and vocabulary used by other autors?)!





Gaining an Overview

Effective reading of your material: How to select material according to relevance – STEP 2

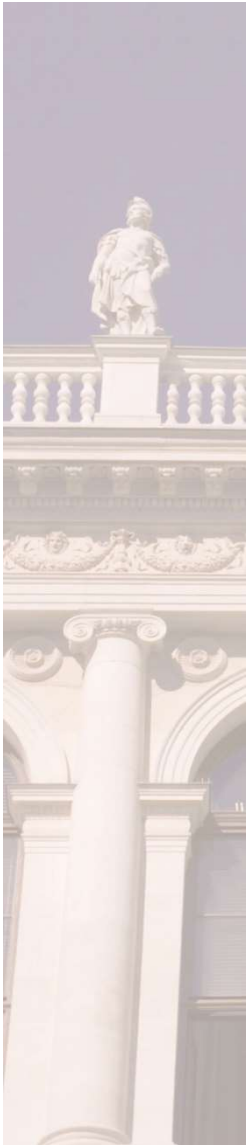
- screen headlines of pre-selected texts
- screen indexes of pre-selected texts

in the light of your **(leading) RESEARCH QUESTIONS!** (What do I have to find out based on what I already know about my topic?)

Creating side effects: Use the screening of pre-selected materials/texts in order to

- pay attention to bibliographies
- pay attention to annotations in foot- and/or endnotes

and accordingly learn about new texts of relevance for your work (the „snowball effect“)





Gaining an Overview

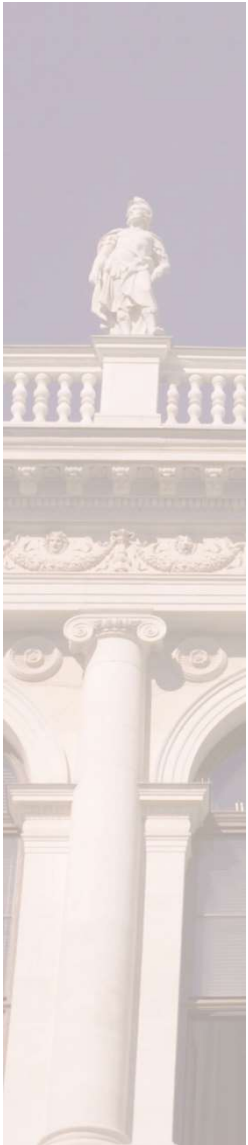
Effective processing of preliminary information:

- **Start early** to transpose reading into writing (of own paper)

It is suggested to immediately (while selecting and reading materials) note down:

- why you want to use a particular text (think of exercises already completed!) ? why is it important and/or special? (because of relating to one of the core key words/research questions ?!), do others use this text in their work, what do they think of it (read book reviews in journals!)? does it contain reference to other useful sources?

Accordingly, you also start the confrontation and reflection with your topic as regards content!





Keeping the Overview – Organizing Sources

Organising ideas starts with organising the sources!

- select your preferred method: do you note down ideas directly on hard copies? do you use adobe or other software for commenting in your material?
- organise your material: open a folder and store all your basic materials: either with handwritten remarks or with electronic comments; note down ideas and references to similar/dissenting thoughts in other sources
- create a coherent structure (alphabetical and/or thematic: eg according to a key word list)
- your folder starts to be a „research logbook/diary“ documenting your resaerch and writing journey when adding observations, spontaneous ideas/thoughts/reflections/further questions/doubts AND cross-references





Keeping the Overview – Start Discussion

Thesis is a discussion of your topic!

- discussion (lat. discutere – to strike, to „win“ the argument)
- With whom? Other authors, i.e. scholars, lawmaker, judges, public authorities
- discuss what you read: by writing down preliminary thoughts (see glossators) – dialogic approach to sources
- you connect READING (passive acquisition of knowledge) and WRITING (active processing of a acquired knowledge)
- and can find an easier access to the WRITING process (reflection on and debate of your topic flows into creation of own text: reflective ideas are transposed in creation of text)
- remember exercise – what do I think about it in relation to what others think about it?





Keeping the Overview – *Exercise 8 (suggestion)*

Pick one article from your list with the most important texts for your work, read it and write down the following considerations:

- what do I think about it? (do I know what others think about this article? if yes, are there differences between my opinion and that of others on what the author of the article writes?)
- how could I include my opinions about it in my work (to which part does it fit? is it in line with other thoughts I have on other texts which I use for this part, etc)





Keeping the Overview – Creating Context

Starting the Discussion by Creating a Context!

- contextualise your topic
- topics are embedded in a context (social, historical, economic, ...)
- context also helps you describing your topic and makes it easier to follow your thoughts and arguments
- you create awareness for understanding the background and impact of the questions you wish to address in your work
- do not hesitate to use sources of other disciplines (interdisciplinary work) in order to fill own gaps
- impact of solutions in (legal) practice





Keeping the Overview – Reduction & Reference Collection

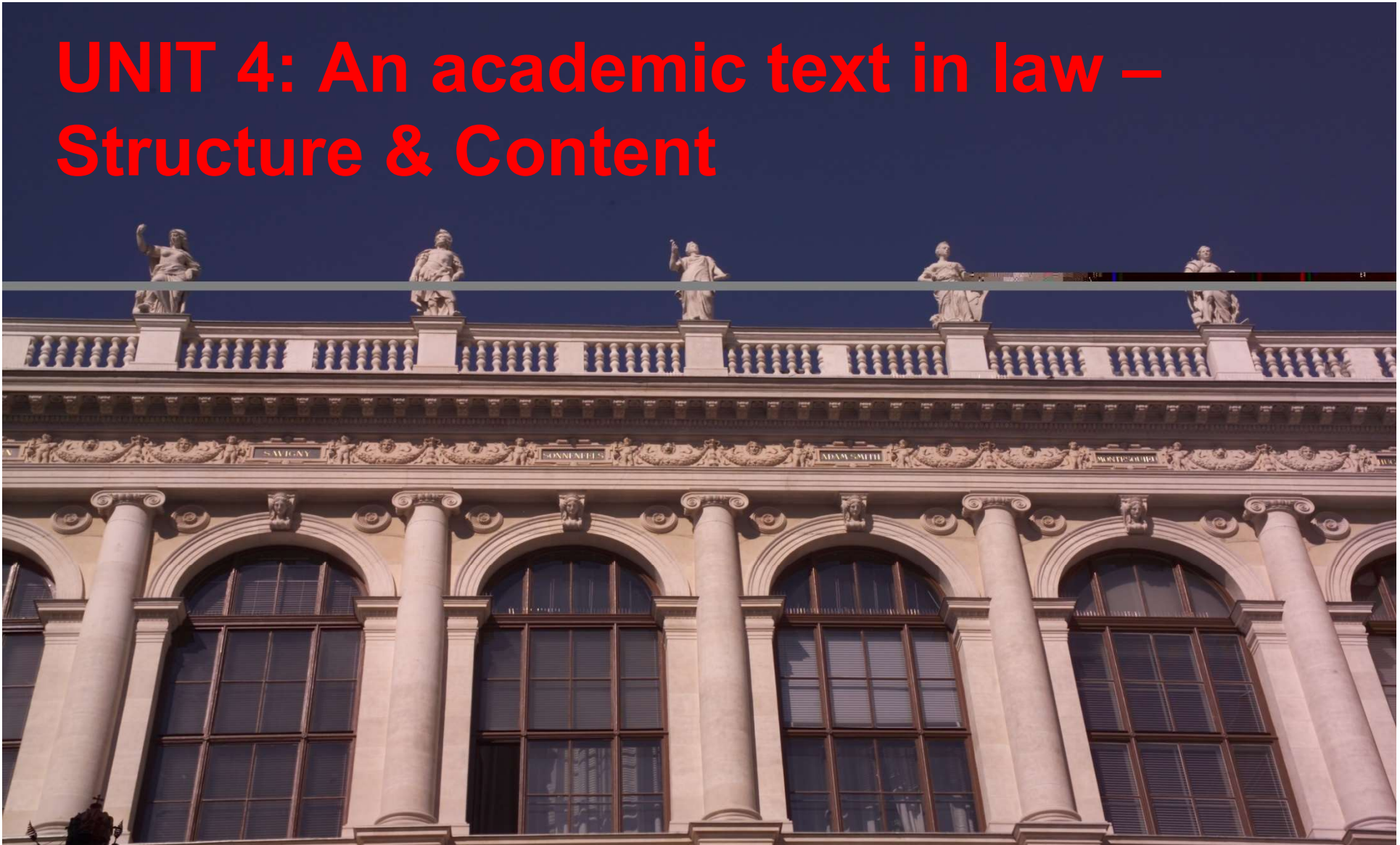
- try to select core texts – fully keep them in your electronic or physical folder
- leave texts aside that do not contribute to your topic
- elaborate which parts of other texts are relevant
- note down core „quotations“, indicating the exact information referring to the original source (documentation/citation) and/or paraphrase core passages you later want to insert in your paper (full documentation will be needed there in order to allow others to verify your sources and line of argumentation based on them, but also for your own orientation!)





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UNIT 4: An academic text in law – Structure & Content





Framing Your Thesis – Exercise 9

How to draft an OUTLINE?

- have a look on your list of key words; try to bring them into a coherent order (chain of associations forming a sort of „red line“ guiding through your topic: which ones belong to a general introduction into the core questions of my topic; which ones to central parts of my reflections planned to form individual main chapters; which ones form sort of umbrella terms combining several aspects I want to touch – which ones are connecting two or several other key words?); note down this chain of associations in a coherent order
- try to group your key words according to these 3 categories
- [and write down how key words in each of these groups are related to each other]





Examples grouping key words, exercise 9

- **Example 1: anti-money laundering (SE paper)**
 - intro: “aml”, “ctf” – definition of core terms involved, overview, some kind of background next to description of law itself (e.g. where does legal content come from – e.g. from int. standards: can be deepened in central part)
 - central: supervision, organisations, regulations, banking sector, attorneys, civil notaries, politically exposed person, beneficial owner, source of money
 - (concluding:) e.g. summary of answer(s) to research question(s) posed OR conclusion that answer(s) cannot be provided here yet
 - umbrella terms:
 - know your customer (kyc): national dimension: banking sector, notaries, attorneys, int. dimension – supervision, regulations;
 - beneficial owner: source of money, pol. exposed person



Examples grouping key words, exercise 9

- **Example 2: damages out of breach of an arbitration agreement (SE paper)**
 - intro: non-disclosure, time management involved in such proceedings – duration of process,
 - central: possibilities to claim damages; anti-suit injunctions, private autonomy
 - umbrella:
 - intention behind arbitration procedures (and to start them): good headline to start to discuss a view aspects: non-disclosure/time aspect related to intention, costs (usually intensive), avoidance of various jurisdiction – prevention of advantages for one specific party
 - possibilities to claim & related aspects (would alone suffice for scope of paper), how related to title? What else to expect under such a title (sub-title)
 - why to claim damages and for what? – scope of topic: questions coming first – can I deal with all of them?



Framing Your Thesis – Exercise 9: Extension (suggestion)

How to draft an OUTLINE (in combination with prior exercises)?

- note down all aspects coming to your mind when thinking of your topic (association chain)
- note down what you want to know about your topic (research interest)
- note down, what you should describe, in order to allow others to understand the crucial aspects of your topic
- collect (in writing) all aspects as regards content
- choose priorities
- formulate all emerging questions
- argue the logical relation of your classification





Examples grouping key words, exercise 9

- **Examples: note down what you want to know about your topic (research interest)**
 - 1.: I know legal side of topic, also interest in context: ethical side of topic: allocation of scarce resources in provisions concerning health care
 - 2.: interest in surrogacy: legal in some countries, illegal in other countries (what kind of legal questions arise out of this dichotomy: citizenship, inheritance, etc.
 - 3.: international tax law: constructions tending towards tax avoidance – remedies such as automatic information exchange (does reporting requirement infringe fundamental constitutional rights?); what kind of differences in implementation of EU law obligations into domestic law?; different persons addressed as bearers of reporting obligation: how do persons related to each other in cases where they all have the same reporting obligation in a given specific case



Framing Your Thesis – Outline

Starting points:

- summarize the main discussions
- bring the debate you had with the legislator, courts, etc. in a readable form
- in order to allow a reader to follow this debate of yours and the conclusions and results you draw from it, it is necessary to bring your VIRTUAL discussion into a structured form, that meets the following requirements:
 - coherent = systematic structure within the exposure of your topic = create a ROAD MAP for your line argumentation you want to follow and that is reflected in the paper's structure
 - logically valid arguments (<http://lawandlogic.org/>)
 - be transparent – explain your methods, display your sources





Framing Your Thesis – Outline

ROAD MAP through your thesis:

- the framework of your thesis, your outline can be understood as a road map guiding through your text = your ideas on the topic
- you achieve this systematisation of your thoughts through a coherent disposition/outline (of interrelated sections = reading portions) = displaying the development of your reflections in the course of the text, the identification of the core questions/problems, and your approach to deal with them
- expressing the individual steps in reaching your research objectives (individual steps towards conclusions drawn from your research)





Framing Your Thesis

Using the Outline:

- **with the preliminary outline you are sub-dividing your topic into small portions easier to be handled during the writing process**
- you are not writing a single 25 or even 250 page text
- you are now working and writing on a range of (related) short texts (the chapters/sub-chapters) dealing with a very precise and circumscribed aspect/question and link them with other parts of your work
- like this you can keep a better overview on your writing process





Framing Your Thesis

Using the Outline:

- use the framework of your outline together with your preparatory texts to start writing a draft paper:
 - you know what to say
 - you know which discussions shall be included into your thesis
 - you know the structure of your thesis
 - you know to what extent context(s) shall be explained
- make use of and explore on what you have written so far in preparatory comments and outlines





Thesis Outline Model (Elements)

- Motivation
- Summary of Topic
 - state of the art / beyond state of the art
 - related research question(s)
 - context(s)
 - methods
- Structure (preliminary)
- Sources (preliminary)



Framing Your Thesis

Elements of a thesis:

- Introduction
 - what is the topic about (what have others found out about it before)
 - motivation and/or relevance: (own) starting point (a recent case, recently debated/unresolved issues ...)
 - definitions (what do I mean when talking about this and that in the following chapters)
 - course of research
 - why this structure?
 - what kind of research questions, related method?
 - in order to arrive to answers resulting from a plausible research and argumentation process – adequacy)





Framing Your Thesis

Elements of a thesis:

- Main part
 - in-depth debate of research questions
 - methodic workflow (what do I have to describe/analyse first in order to be able to answer the next question/in order to show the interrelations)
 - general and special parts (overview on principles and basic ideas – their application on specific questions/problems)
 - coherent order of central points
 - line of argumentation leading to what you actually want to tell about the identified research questions





Framing Your Thesis

Elements of a thesis:

- conclusion - summary
 - summary of most important results
 - the relation of the problems and the answers found can be repeated in other words and in short
 - formulation of conclusions
 - outlook (suggestions for further research, expected future developments, policy recommendations)
 - summary of results in another language





Framing Your Thesis – Table of Content

Keep in mind the following questions when drafting your table of content:

1. what is my main (research) question in a chapter?
2. do I already have a thesis on the main question in this chapter which can be proven to be right or false in the further research & writing process?
3. what kind of particular aspects do I want to discuss in this chapter (what kind of content according to what kind of research aim related to this particular chapter)?
4. what kind of method(s) have to be involved to reach at this aim (dogmatic, historical, etc.)
5. sub-divide each of the main chapters into sub-chapters (draft sub-titels) and distribute the titles in your bibliograpgy among the chapters





Framing Your Thesis – Table of Content

Best Practice Examples: Exercise 10 (Suggestion):

- Have a closer look into a couple of books and articles on your list of most important titles for your thesis and decide on one book and one article with the best STRUCTURE and shortly describe (in written) the following:
 - Why are the chosen texts the best examples for a well done structure (what are the advantages of the chosen example in comparison to lesser ideal structures)?
 - Which elements of these model structures could you use for the structure of your own text?

