

HOW TO WRITE A RESEARCH PAPER IN THE FIELD OF LAW

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Writing a good research paper in the field of law is not easy because citation¹ and foot noting system is different from other stream subject. It is seen worldwide citation system is used in law research field are the bluebook citation system promote and accept by world's biggest university like Preston, Harvard university and others. Use always explicit view towards social evils.

We must have filled the gap in our life why we not publish something in journal. Publishing an article in a law journal is an honor for us. This article is designed to help you fulfill your scholarly duties. I do not intend to tell you in great detail how to write.²

In India law researchers have no uniform system for citation most of most people are used JILI (Journal of Indian law institute) format some are used NUJS (National University of Juridical Sciences) format but now so many university of law recognized new citation system name is SILC (standard Indian legal citation). We are used our own citation system also but standard international and national journal are fix their citation system. Now a day's law researchers have facing problem for publication and publisher face good quality research and writing work.

Footnoting and citation system also depend upon subject stream like some university used APA (American psychological association style)³ to write an article where all citation come before punctuation. Personally I am not like APA style because continuity of study material is disturb by citation and always bittering taste of reading article.

MLA style (Modern Language Association) is used by language writer like poem, prose etc. basically MLA style is not used in law field. I am personally writing poem and prose also but it may be not include in my academic carrier and academic performance indicator.

Now a days candidate have must aware to publication because at the time of scrutiny and other activities it is not count in your performance that's why candidate must have secure their idea in appropriate journal with appropriate style.

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¹ A **citation** from a book or other piece of writing is a passage or phrase from it. If you **cite** something you quote it or mention it especially as an example or proof of what you are you saying.

²<http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1086&context=lawfacpub> page no. 17 date 29.09.2014

³http://owl.english.purdue.edu/workshop/hypertext/APA/print_papers/litreview.html

Now I am giving you some important ideas to write an article. The initial step to write is to find out the problem in the society and give them a marvelous title with its importance, topicality and originality. Keeping in mind the notions of topic area, focus, and instruction. Choosing the title for your article is almost as important as writing the article itself. Title is the one of the most important part of the article. First you want to think about how your article will be cited.⁴ Another requirement for a good title is at least one colon. Multiple colons are even better. Colons indicate to the reader that you are capable of having more than one thought—an important message that the reader probably would not obtain from reading your article. A literary allusion is also helpful. I struggled with this when I began writing; I found it difficult to produce a literary allusion because I had never read anything other than comic books. I eventually realized that the best allusions are those that nobody recognizes: an unrecognizable allusion convinces the reader that you must be really smart.⁵

As every law review editor knows, footnotes are the most important part of the article. Don't make what is known in the legal community as the "Mikva Mistake." Judge Abner J. Mikva, a noted federal jurist, once wrote an article without footnotes and, as a result, never made it to the Supreme Court. If you want to be successful, good footnotes are a must.⁶

The substantive content of your footnotes is irrelevant. What's important is the style. Footnotes in your article must conform to one of three styles. In most law reviews, your footnotes must be in the style found in the Bluebook. If your article is to appear in the University of Chicago Law Review, your footnotes must be in the style found in the Maroon Book. If your article is to appear in the Journal of Critical Legal Studies, your footnotes must follow the style found in the Little Red Book.⁷

The pre-emption check is the first step in reviewing the legal literature before writing your paper. If someone has published a thorough coverage of your topic and you have nothing new (*e.g.*, an insight, a new idea, a new way of looking at an aspect of law) or significant enough to warrant another publication, you are likely preempted. Legal publications on point probably pre-empt you, but articles in other fields may not. If they do not discuss legal ramifications of the topic, these articles may become a starting point for your paper.⁸

You have now written your law review article. You are probably sitting back with your feet propped up on your desk, full of pride at your accomplishment. Put your feet on the floor, sit up, and listen! You're about to make the mistake that many novice authors make, the mistake that cost Professor Lex Apostata his fame.

⁴<http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1086&context=lawfacpub> page no. 17 date 29.09.2014

⁵ <http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1086&context=lawfacpub> page no. 17 date 29.09.2014

⁶ *ibid*

⁷ *ibid*

⁸<http://www.aallnet.org/sections/rips/pdfs/19th-Legal-Research-Teach-In/frazer-guide-llm-research.pdf> page no. 2 retrieve from 09.10.2014

Who is Professor Apostata, you ask? In 1984, Professor Apostata, a young untenured assistant professor, wrote the seminal article on American law. Apostata's revolutionary article cogently synthesized all previous legal theory into a logical, coherent, universal theory that everyone could accept, regardless of ideology. But you've probably never heard of Apostata's paradigm shifting theory. That's because Professor Apostata was so impressed with himself that he forgot to publish the article. It sat on his hard disk for three years, until he inadvertently erased it while playing Pac-Man. When he realized what had happened, Apostata became mad; he now teaches at Yale. Unfortunately, Professor Apostata has completely forgotten his revolutionary theory.

You must not repeat Lex Apostata's mistake. Generally, to be published you must submit your article to a law review; you cannot leave the article on your hard disk. Only the lesser law reviews invade law professors' hard disks looking for articles; the better reviews require you to mail the article to them.⁹

Attitude of UGC is very strong to promote good research work and writing research paper. It is true that incident which is happening now is not recall but our books and writing work immortalize them. In our mind transient ideas will come and if we do not write them they were lost so it is first duty of every writer to write them first and then doing any work because if transient moment slip it never we can recall it.

We all are aware about plagiarism because it is also a one kind of theft in the field of academia. There are so many plagiarism software available on the internet and it is duty every writer/researcher to check first plagiarism in his/her article and then send their article to publisher. It is safe and secure for career of academician.

A good student always keeps in mind that an article can get you a high grade a good law review editorial board position and a publication credit. These credential can help get you jobs, clerkship and established a good teacher also. The experience will have your writing which is probably a lawyer's most important skill. A good article written while you are clerking or in your early years as a practicing lawyer can impress employers and clients. Your article may influence judge lawyers and legislators also. Law is one of the few discipline where second year graduate students write scholarly articles and these article often taken seriously by others in the profession. Occasionally student articles have a huge impact.¹⁰

The influence of student law review articles isn't limited to a few high impact pieces. Court cites student articles at the rate of at least about 500 citations per year. This mean over 1/8 of all court citation to law review articles are to student written articles and a typical student article is about 40% as likely to get cited as a typical non student article an excellent rate for student work. Law review articles appear to cite student articles at the rate of about

⁹<http://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1086&context=lawfacpub> page no. 17 date 29.09.2014

¹⁰<http://www2.law.ucla.edu/volokh/writing/aextract.pdf> page no. 05 date 29.09.2014

15000 per year.¹¹ Harvard journal of law and public policy to articles written by students at top 10 law school consider the cal western article which is the second most cited by court article on the list.¹²

Writing an article whether as a law review note as an independent study project or as a side project in your first year in practice is also one of the hardest things you will do. Your pre law school writing experience and your first year writing class will help you prepare you for it, but only partly it's not easy to create an original scholarly work that contribute to our understanding of the law seminar papers tend to be less ambitious and less time consuming in part because they do not have to publishable but they too help improve your writing and if you invest enough effort in to writing them you can then easily make them publishable and get extra benefits from your hard work.

The growing disjunction between legal education and legal profession is very serious issue for us. I fear that our law institute and law firms are moving opposite direction.¹³ Our students is not serious to research and writing work, they all are want to be a civil judge or assistant prosecution officer (ADPO) but nobody wants to come in teaching and research field it is very horrific situation for us. Inept¹⁴ student do not want to learn writing ethics. Legal pedagogy is very important in law institute to improve practical approach and interest in the subject matter.

Achieving a good writing style and critical engagement with the subject matter of your research paper is more difficult. That will develop the more you read, the more you write, the more you work at your writing, and the more you listen to and reflect upon the feedback you receive on your written work.¹⁵

Due to the growing research population and a pressure to 'publish or perish,' an increasing number of researchers have taken to cutting corners, resulting in falsified research, fraudulent data, paraphrasing, duplication and blatant plagiarism. This research misconduct creates a ripple effect of costly damages for researchers; organizations and the general public. iThenticate's new report, "True Costs of Research Misconduct," explores the effects of plagiarism from human to capital costs as caused by the rise in scholarly misconduct in the last decade.¹⁶

Plagiarism is the presentation of the thoughts or writings of others as your own. It is a form of cheating. Plagiarism can take many forms. All forms of plagiarism are taken

¹¹ Ibid page no. 06

¹² Ibid

¹³ http://www2.law.columbia.edu/faculty_franke/CLT2009/Edwards%20article%20on%20Training%20edited.pdf

¹⁴ Inept means you are criticizing them because they do something with a complete lack of skill.

¹⁵ http://www2.le.ac.uk/departments/law/current/writing-guide/Writing_Guide_Research_Paper_2009.pdf

¹⁶ <http://www.ithenticate.com/resources/papers/research-misconduct> date 14.10.2014

seriously. Whenever you draw on the ideas of others, you must say so. The common form of acknowledgement is the citation of the source in a footnote.¹⁷

The consequences of plagiarism can be personal, professional, ethical, and legal. With plagiarism detection software so readily available and in use, plagiarists are being caught at an alarming rate. Once accused of plagiarism, a person will most likely always be regarded with suspicion. Ignorance is not an excuse. Plagiarists include academics, professionals, students, journalists, authors, and others. Plagiarism allegations can cause a student to be suspended or expelled. Their academic record can reflect the ethics offense, possibly causing the student to be barred from entering college from high school or another college. Schools, colleges, and universities take plagiarism very seriously. Most educational institutions have academic integrity committees who police students. Many schools suspend students for their first violation. Students are usually expelled for further offences.

A professional business person, politician, or public figure may find that the damage from plagiarism follows them for their entire career. Not only will they likely be fired or asked to step down from their present position, but they will surely find it difficult to obtain another respectable job. Depending on the offense and the plagiarist's public stature, his or her name may become ruined, making any kind of meaningful career impossible. The consequences of plagiarism have been widely reported in the world of academia. Once scarred with plagiarism allegations, an academic's career can be ruined. Publishing is an integral part of a prestigious academic career. To lose the ability to publish most likely means the end of an academic position and a destroyed reputation.

Many recent news reports and articles have exposed plagiarism by journalists, authors, public figures, and researchers. In the case where an author sues a plagiarist, the author may be granted monetary restitution. In the case where a journalist works for a magazine, newspaper or other publisher, or even if a student is found plagiarizing in school, the offending plagiarist could have to pay monetary penalties. Plagiarized research is an especially egregious form of plagiarism. If the research is medical in nature, the consequences of plagiarism could mean the loss of peoples' lives. This kind of plagiarism is particularly heinous. The consequences of plagiarism are far-reaching and no one is immune. Neither ignorance nor stature excuses a person from the ethical and legal ramifications of committing plagiarism. Before attempting any writing project, learn about plagiarism. Find out what constitutes plagiarism and how to avoid it. The rules are easy to understand and follow. If there is any question about missing attribution, try using online plagiarism checker or plagiarism detection software to check your writing for plagiarism before turning it in. Laziness or dishonesty can lead to a ruined reputation, the loss of a career, and legal problems."¹⁸

Every so often, in workshop and in forums, someone asks, "What percentage of plagiarism is allowed?" The short answer is, of course, zero per-cent. The question is usually asked by

¹⁷http://www2.le.ac.uk/departments/law/current/writing-guide/Writing_Guide_Research_Paper_2009.pdf

¹⁸<http://www.ithenticate.com/resources/6-consequences-of-plagiarism> date 14.10.2014

someone who has received an originality report from Turnitin or other online text-matching software, turnitin-report and it has come back with passages and paragraphs brightly coloured. The highlighted sections indicate text for which the software has found matches, on the internet or within its own databases. Highlighted text does NOT indicate plagiarism. If the highlighted text is inside quotation marks, is indented, or in some other way makes clear that this is somebody else's words or work, and if there is indication as to whose words or work it is, then it is not plagiarism. It is a match, but it is a match used in academically acceptable style, with no suggestion that the writer is trying to pass this off as his/her own.¹⁹ It means plagiarism software is helping us to find out proper citation and we can make our article more perfect with their help.

There are other ways of indicating the use of someone else's words and work, so some judgments is needed. In-text citation and bibliographic references are requirements of academic writing. But in fiction, in journalism, in writing for a general audience, there are other ways to show indebtedness to others; in sound and in visual works, there are other ways to show indebtedness to others. They should still be used, one should still honestly state what is not one's own; it's just that it does not have to be indicated in pukka MLA, APA, or any other style!

If the highlighted text is a bibliographical reference to a book or journal or website or any other sources it is not plagiarism. Many subjects have stock expressions. And what about "The constitution of the United States of America..."? That's eight consecutive words. Turnitin will highlight expressions like this. It is not plagiarism. Similarly, it is usually held that there is no need to document the source of common knowledge, nor common knowledge within a subject. There is no need to document it – but Turnitin may still highlight it.

And, as noted, Turnitin will highlight passages and sequences of words, even when the signals are there: quotation marks, indentation or other, along with an indicator which links to the original source. But, bottom line, highlighted text does NOT indicate plagiarism. The percentage shows the amount of matched text, it does not show plagiarised text. The matched text might be plagiarised, and it might not be plagiarised. A paper which includes signalled and cited quotations in support of an argument or as evidence for a position is good.

How much matched text is allowed? That is a different question, and that depends on the nature of the exercise, how much other people's work is needed in the discussion of what one wants to say. But text matches per se, cited and signaled, that is not plagiarism. Turnitin has long since made claimed that it is an educational site, its purpose is not to catch plagiarists but to help writers source their material appropriately. It offers other services as well which aim to improve the quality of student writing and to ease the teacher's load. In recent months, it has begun concentrating, not just on student use of unoriginal material but on the worthiness and authority of the sources of that unoriginal material. The aim – the

¹⁹<http://www.read2live.com/2013/03/27/how-much-plagiarism/> Date 14.10.2014

claim – is better, improved, more-scholarly writing. Which is why I get just a little suspicious of websites which claim to help writers determine if their work includes plagiarism? There is no such thing as plagiarism detection software; the human touch is always needed. There are, unfortunately, a number of websites which claim to offer free online plagiarism detection, sometimes with the enticement that students can check for plagiarism before their instructors submit the work to Turnitin. Some of these free sites may well be perfectly legitimate – but some of them are definitely dodgy. It isn't always easy to determine which are which. Advice and I know it is idealistic, is that students should learn why they should document their sources, why and when, and that they get plenty of practice so they get into the habit. Not all the sites which offer online plagiarism detection services are free. And it doesn't matter how much such services cost – they cannot detect plagiarism. Automated sites might find matches, but it takes the human touch to determine whether the matches are evidence of plagiarism or not. Which, final point in this post, just makes it a teensy bit ironic that iThenticate, the parent company of Turnitin, time after time after time, states, on its web-site and in its documents, that it offers online plagiarism detection software.

After all its over if you wrote something I am suggesting you to do not waste your time first found your old diaries, hard disk, old papers, and if you write and throw in dustbin please check however it is possible your words can make history where you write so many original thought and make up over for research paper and try for publish your work. Otherwise your writing words are always heart you that words are also change their fortune with publish in journal of law review.