

Casenote, Comment, or Seminar Paper Outline

The structure of a casenote, comment, or seminar paper is essentially the same. At a minimum, all three move from an introduction through background and analysis sections to a conclusion. Only the section called "Statement of the Case" is peculiar to the casenote. Thus, with some modification, law review articles and seminar papers tend to be modeled on the following outline:

A. Introduction

1. Introduce and note why the topic is important.
2. Briefly summarize necessary background information.
3. State your thesis.
4. Convey your organization of the paper.

B. Background

1. Describe the genesis of the subject.
2. Describe the changes that have occurred during its development.
3. Explain the reasons for the changes.
4. Describe where things are now. (You may also indicate the reasons for further change.)

C. Statement of the Case (only for casenote format)

1. Include the relevant facts.
2. Include the procedural history if it is material to the court's disposition of the case.
3. Include the court's holding and reasoning at each level, as well as the reasoning of dissenting or concurring opinions. Clearly distinguish their divergent approaches from the majority's approach. Present the court's opinion without extrinsic analysis or editorial comment, thus providing the reader with an objective explanation of the majority's rationale. Set out the manner in which the court arrived at its decision and why the court did so, using only the reasons and policy considerations that appear in the opinion.

D. Analysis – the centerpiece of the paper

1. Highlight your creative and intellectual abilities as you analyze the topic or case.
2. First explain the relevant case law, thus demonstrating how the law reached its present state.
3. Make it the longest section of the paper, generally requiring several strands of analysis.

Large-scale organization

- a. Discuss the major issues.
- b. Separate issues and sub-issues.
- c. Order issues logically.

Small-scale organization

- a. Introduce and conclude on each issue.
- b. Present your argument and rebut opposing arguments.
- c. Use organizational paradigms where appropriate.

E. Conclusion – The conclusion should briefly summarize the arguments presented and the conclusions drawn from those arguments.

1. Restate thesis.
2. Summarize major points.