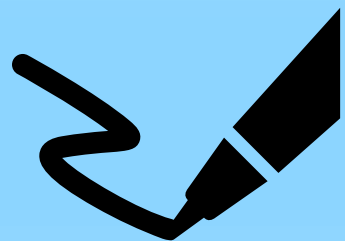


LL.M. PAPER AND PRESENTATION SEMINAR



I. Introduction
II. Paper Format options
III. Topic
IV. Research
V. Writing
VI. Revision
VII. Plagiarism and Citations

I. Introduction

I. Introduction

What is a LL.M. Paper and Presentation? Two-pronged project written and oral

- Written project -- variety of formats acceptable. Maximum word count 6,000* excluding footnotes, bibliography, etc.
- Oral component to defend your ideas and position, arguments and research.

* Not a license to embed substance in footnotes

Assessment is future looking

- Yours! Like footprint and will stay with you.
Opportunity to take a deep dive! Think JOBS.
- Future of Law. What direction should the law be going in? How should the law be applied?



Written Formats

- Academic Article
- Legal Submission
- Legal Opinion
- Client Memo

Oral Format flows from written

LL.M. Paper and Presentation Timeline

- **FALL** OR **SPRING** OPTIONS
- ASAP: First meeting with Academic Coordinator to discuss area of interest / topic and Supervisor. Email me for Fall, will have a sign-up system for Spring.
- By **10 October** or **2 March**: Obtain agreement of professor to act as Supervisor and explore topics and format.
- By **31 October** or **20 March** : Finalize topic and format and communicate same to the Academic Coordinator.
- By **1 December** or **20 April**: Progress Meeting - complete most of research and meet with Supervisor to present findings, research and outline for content.
- **5 January** or **20 May**: Due date for written submission.
- **End January** or **Mid/Late June**: Oral



II. PAPER FORMAT OPTIONS

ARTICLE



Thesis is not simply a description of a law, case, legal idea or event nor is it a description of a debate about the above etc.

Thesis **MUST BE ARGUMENTATIVE**. Look at a point of law in controversy and **take a side**.

Answer a question!



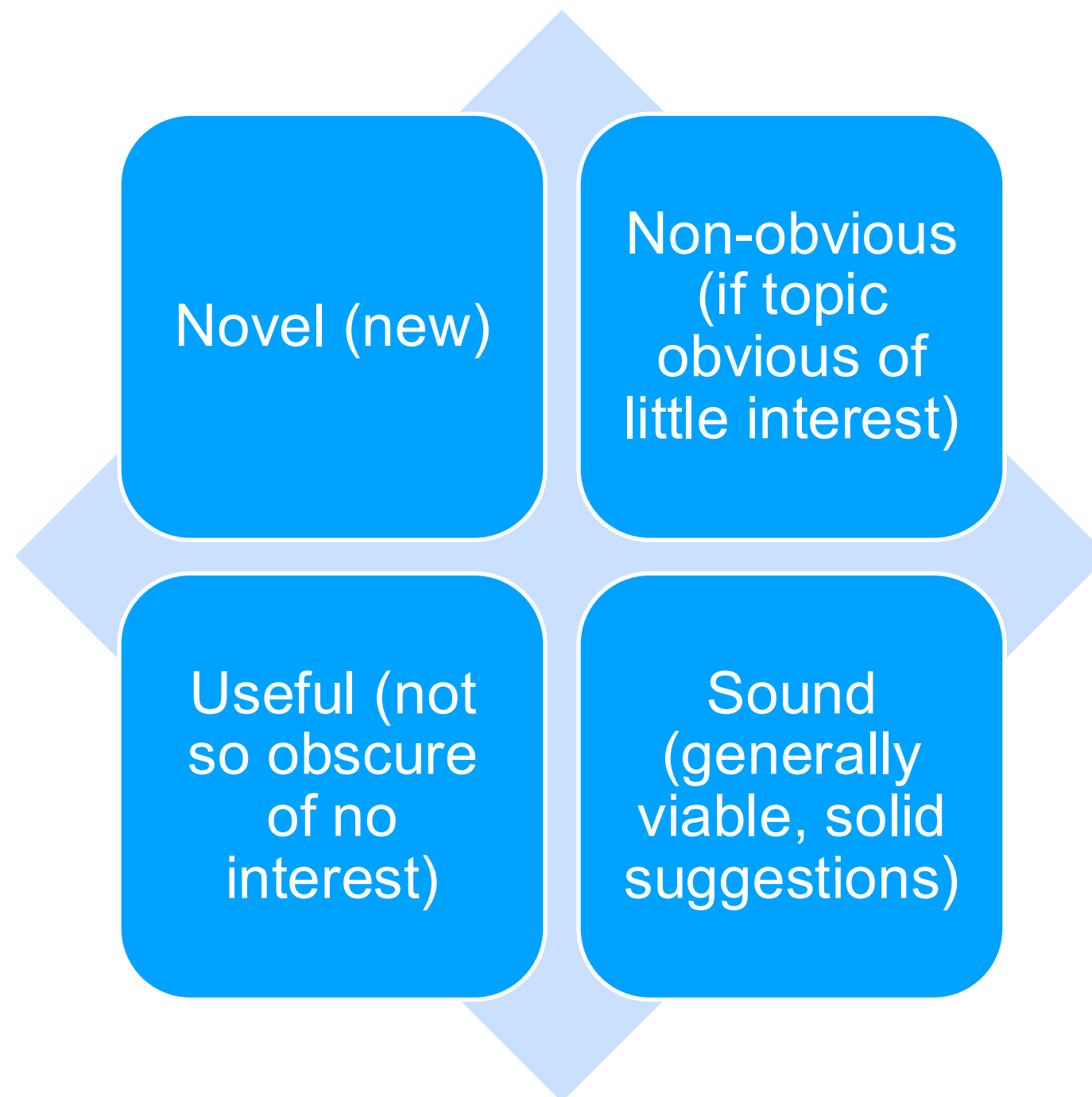
Descriptive claim about the world as it is or as it was (such as a historical assertion, a claim about a law's effects, a statement about how courts are interpreting a law, or the like). Describes the law, important provisions, summarizes cases and interpretations and perhaps discusses the final upshot as to how it has been applied.



Prescriptive claim about what should be done (how a law or a constitutional provision should be interpreted, what new statute should be enacted, how a statute or a common-law rule should be changed, or the like). Will also ask how it ought to be? How courts and agencies should apply law and deal with problem.

<https://www.youtube.com/watch?v=dSkTwm0aQ28> (16:45 – 22)

An article makes a claim about the world that is:



- Eugene Volokh *Academic Legal Writing* (5rd ed. Foundation Press 2016) 12

Characteristics of a Successful article



Original

Comprehensive

Correct and Logical

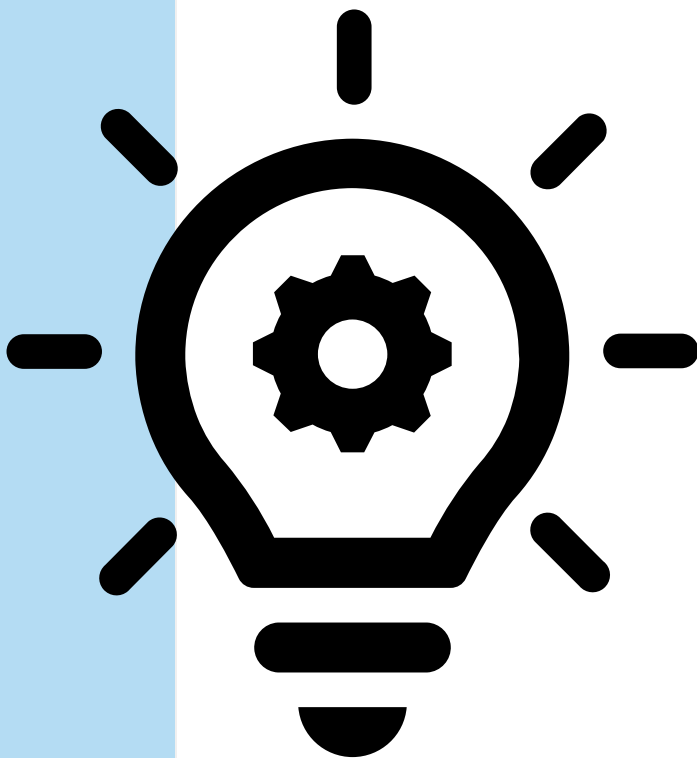
Clear and Readable

Tip:

Try to capture the main point in one or two sentences

Clarifies thinking and communication.

What question are you trying to answer?



Must **be sufficiently narrow** given small word count. Find a very discrete topic.



I will argue for the establishment of an international commercial court in Germany. [Maybe too broad but could focus on one aspect of how the court should function]

Can a Belgian issuer issue digital securities under Belgian law? [with reference to international standards]

Argue for a new EU referral mechanism whereby arbitrator in doubt as to whether his/her decision could violate EU public policy (and therefore risk enforcement issues) may seek guidance from an EU body before issuing the award.

Opine on one discreet aspect of a pending case.

Legal Submission



Third party submission to a court or tribunal. Take pending case and imagine a submission you would write about how a point of law should be interpreted. Not whole case – one point of law.



Format can vary - argumentative. Convince the court.



Discuss with Supervisor appropriate way to incorporate “international” dimension.

Legal Opinion

- ☒ **No definition - market practice in certain transactions**

- ☒ **“A written document prepared by a legal counsel which expresses certain conclusions as to certain legal aspects of a set of factual circumstances and/or documents”**

- ☒ **Key distinction = legal advice vs. legal opinion**

Objectives

Legal advice:
advice and
guidance on best
future action for the
client

Legal opinion:
confirmation that
certain legal
objectives have
been achieved

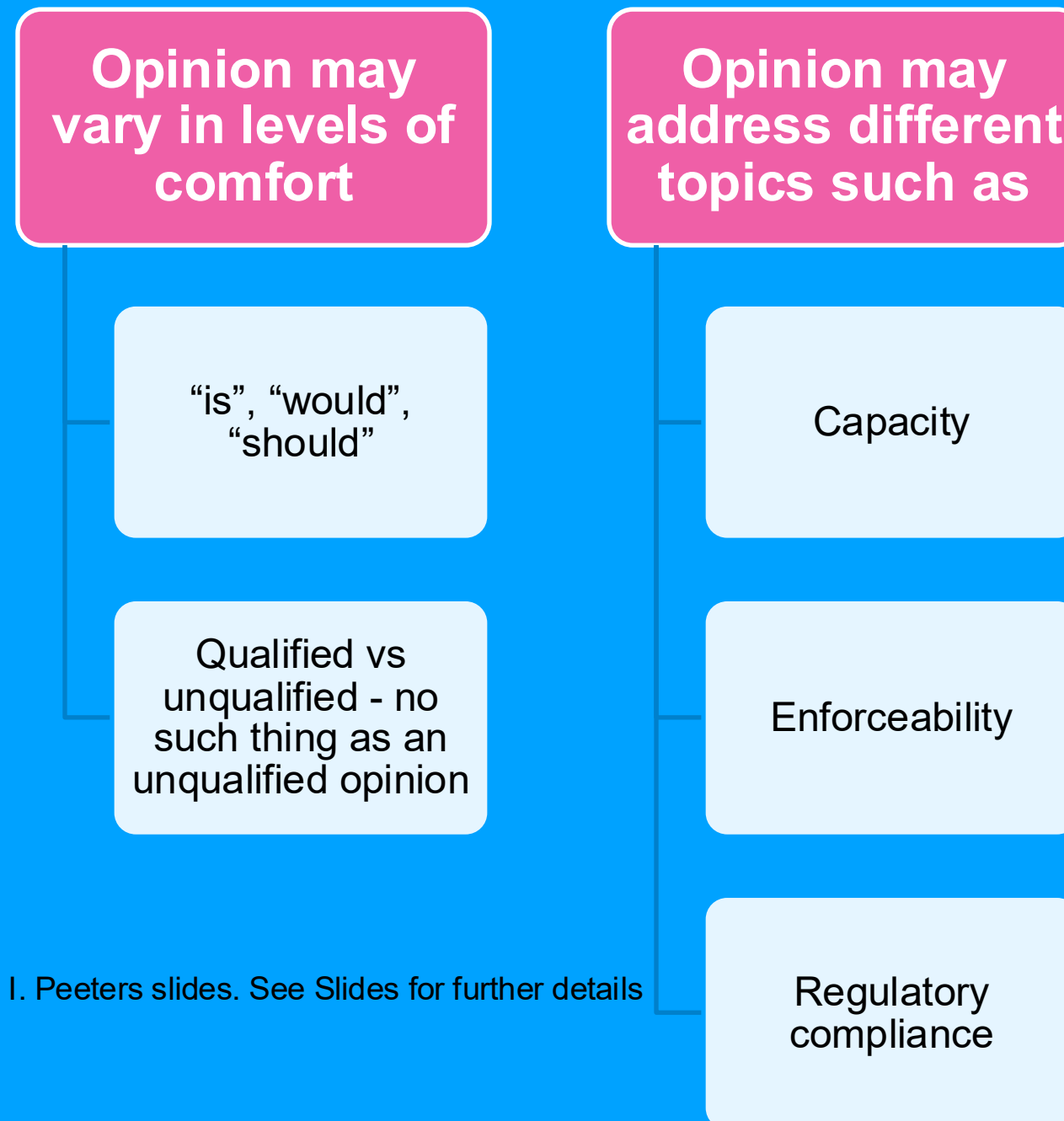
Format and form

Legal advice:
reasoned analysis
with pros and cons

Legal opinion:
formal and concise
conclusions as
absolute as
possible

Legal Opinion**

In practice: Advising client during structure and negotiation of transaction and providing the legal opinion (as condition) to close the transaction are often combined tasks. Purpose to provide “certainty” to the beneficiary/addressee on legal issues arising in respect of certain facts and/or documents: i.e. to state to what extent risks do or do not exist (disclosure)



** Info on Legal Opinions from I. Peeters slides. See Slides for further details

Client Memo – Legal Advice



Based on a specific case study. For example, someone came with an example of a new technology. Can look at new products or technologies and imagine that the company has question about how a certain law may be applied to their product. What are the risks and what should they do?

Can also be an outstanding product or service and the company wants to understand how a new law or new decision will impact their operations.

Maybe a client wants to enter a new market and wants to understand the competition law risks?

Maybe a client wants advice on structuring a certain transaction. For example, a majority shareholder in a private company wants to understand whether there are squeeze out rights under the relevant law?

Client Memo – Legal Advice



- ☒ **Who is the audience? In-house counsel, business team?
Level of technicality.**
- ☒ **What is the point of the memo? What question are you trying to answer or risk trying to assess? Pros and cons not absolute.**
- ☒ **Summarize conclusion at the beginning. Some readers may not care about memo and just want to answer.**
- ☒ **State essential facts, assumptions of fact at the beginning.**
- ☒ **Provide a roadmap of how you will answer the question and follow it. Use headings and within each heading have intro, analysis and summary.**

Check slides under writing seminar for additional details and tips on writing legal memos

Flexible format



Other formats can be accepted. Consult with Supervisor.

III. TOPIC

Guidance in finding a Topic and Format – your supervisor can help steer you but you must come with some direction

**** Detailed research proposal or simply a discreet area of interest/case that you find interesting. Either way OK!!**

**** Do you enjoy academic argumentative writing or do you prefer more practical written assignments?**

**** What sort of format do you want to practice for your future professional work?**

First step in developing an idea is to focus on a broad topic. Identify a general/broad area you are interested in for example:

- Artificial Intelligence – IP Protection for work created by AI
- Enforcement of DMA
- International law relating to consumer protection in online purchases
- Specific case you are aware of
- EU Banking union/central bank proposals
- Third party funding in litigation/arbitration
- Trademark protection in the metaverse
- Regulation fo Fintechs – consumer protection

Tips on choosing an area of interest

- What do you like to read? Case law/opinions, legal journals? About what?
- What do you like to talk about in class discussions, conversations, debates?
- What classes do you enjoy most? LL.M. and prior studies.
- Was there an issue discussed in class which appears unresolved?
- What do you care about? Environment? Social Justice?

Continued....

Tips on choosing an area of interest

- What are your professional aspirations?
- Is there anything from past experience (including professional) you would like to explore?
- Is there something going on in your country of origin that would be ideal in terms of comparative law work?
- Talk to professors about areas ripe for research or which have been unduly neglected.
- Should be narrow enough that it is manageable yet interesting and important/not obscure.
- Law firm alert memos

If you will write an article, what is your argument or proposition?



Refining your assessment topic – what is going on in the area? What do you want to say about your topic? What question are you trying to answer? What is your argument or proposition?



Start reading up and take a critical approach to readings on the topic to understand what arguments make sense or do not from a given point of view. Search for unresolved issues, new approaches or angles to a question. Think about future implications.

Analytical Approaches

- Assert that a precedent is binding, should be extended to cover broader situation, should be overruled and why.
- Examine the language of statutes, regulations, legislation and make an assertion about the interpretation of it. The law should be understood and applied in a certain way because.....
- Assert that a controversial rule, ruling is good because it is justified by social policy, economics, provides stability in law (or the reverse).
- Examine the appropriateness of the roles of the judiciary, legislature, relevant institutions.
- Examine legal decisions for inconsistencies, logical errors, omissions – argue a court should rule the same or differently because.....
- Compare a case to cases in analogous jurisdictions and make an argument.
- Consider consequences of a decision.
- Consider inconsistencies in rules.

But whatever you do make sure you are on one side of the debate!!

- Eugene Volokh and Fajans/Falk

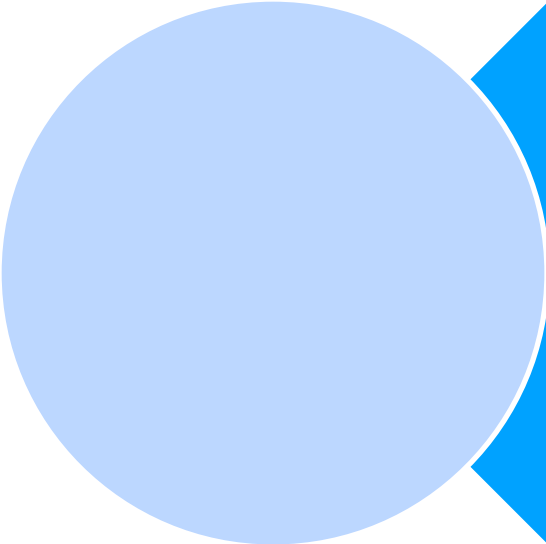
If you will write a Client Memo or Legal Submission



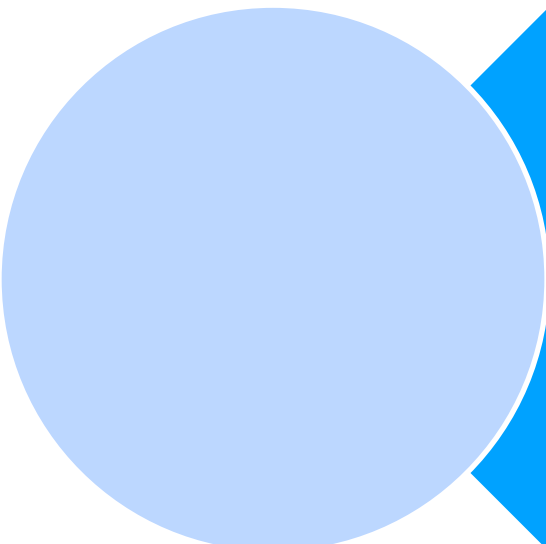
Pending cases – what do you want to say about how the law should be interpreted and applied?



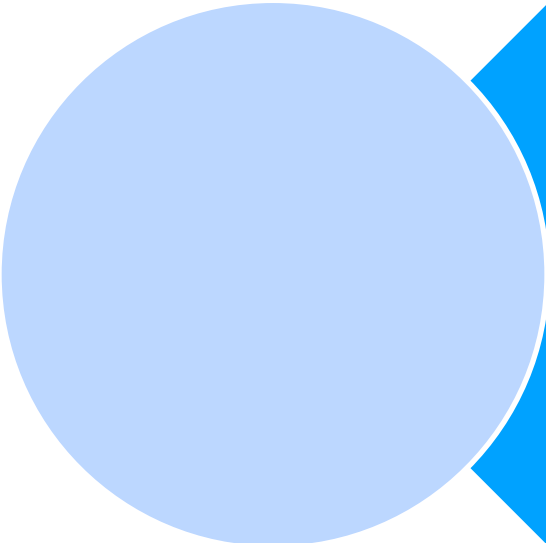
What is happening in real life? New companies, new technologies, new markets raise questions about the application of the law. What is your best advice about how the law will be applied? What is the risk assessment in terms of the application of the law?



One of the most critical elements of the success of your Paper is the topic itself.



Make sure to be comfortable with your topic and complete research in time for a useful Progress Meeting.



You will be spending a lot of time with your topic and your research so make sure you like them!

IV. Research

All formats must be grounded in solid research

IRAC - reminder

When researching cases it can be useful to utilize the IRAC method:

- Issue – narrow it down to the tightest conceptual level
- Rule of Law – what law is being applied?
- Application – how is the law being applied?
- Conclusion – what's the upshot?

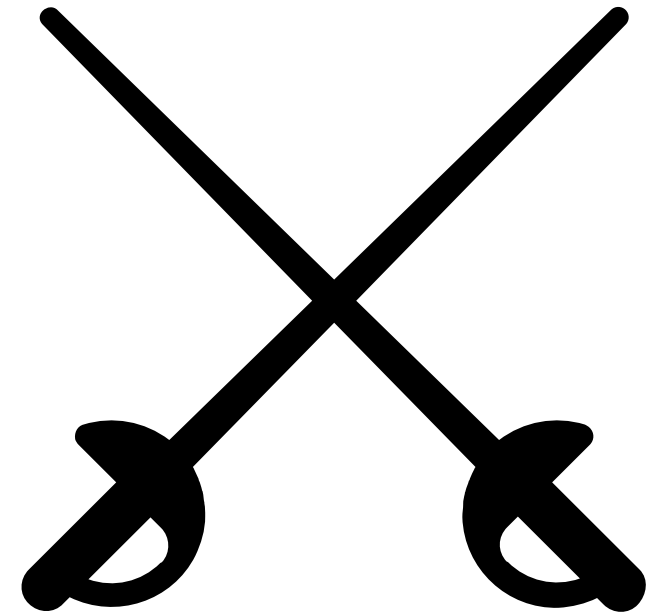
Synthesize information you read

- What does what I have read add to my argument or advice?
- Is it evidence to confirm?
- Does it add a new angle I need to research?
- Is it irrelevant or unconvincing (don't hesitate to disregard)?
- Does it undermine my argument or advice (counterargument) so I need to refute it?

Don't ignore Counter-Arguments!

Distinguish -

- Different facts
- Different point in time
- Different jurisdiction
- Simply unconvincing
- Poor logic
- Consequences - leads to unfavorable outcome



Sources



Strong sources will strengthen your paper. Can't build a house on a weak foundation!



Variety of resources. If all resources from same journal or same author not convincing.



Relevance - should be relevant (specialized databases as appropriate)



Scholarly (no Wikipedia)



Non-English materials OK as appropriate

AI Disclosure form – see Plagiarism section

Where to research?

- Rule of Law – primary source
- Interpretations – what bodies have interpreted it (courts, administrative bodies?)
- Have those interpretations been cited?
- Legal scholarship interpreting the rule

Where to find resources?



- Law library - hours, help, occupancy, etc. <https://bib.ulb.be/en/our-libraries/law>
- Cible (ULB Library Catalogue) : <http://cibleplus.ulb.ac.be/> (can change to English under your name) – refine search by parameters (language, date, articles etc), can check citations. Umbrella includes Heinonline
- UniCat (Belgian Libraries Catalogue) : <http://www.unicat.be/>
- HeinOnline : <https://heinonline.org/HOL/Welcome>
key words. “More like this” (little plus) function in Hein online; Can email or save pdf. Cite (left panel) show format OSCOLA; Also check where your article was cited very easily on right hand side and check citations in your article with clickthrough. AI summary
- Specialized databases as per subject (tax); courts, EU court of justice:
https://curia.europa.eu/jcms/jcms/p1_3471594/en/ etc. See resources suggested by faculty in outline or ask Supervisor.
- Libraries – ULB Law library; Leuven (may be entrance fee, great facility to work, big collection); Unicat may direct you to various libraries. Check with ULB library about “borrowing.”

Stay Organized

- Cards
- Outlines
- Tables
- Noodle tools
- Save pdfs, links
- Whatever works – on paper or computer

Need to keep track of what read where for footnotes and bibliography to **avoid inadvertent plagiarism**. Good organization early on saves time later.

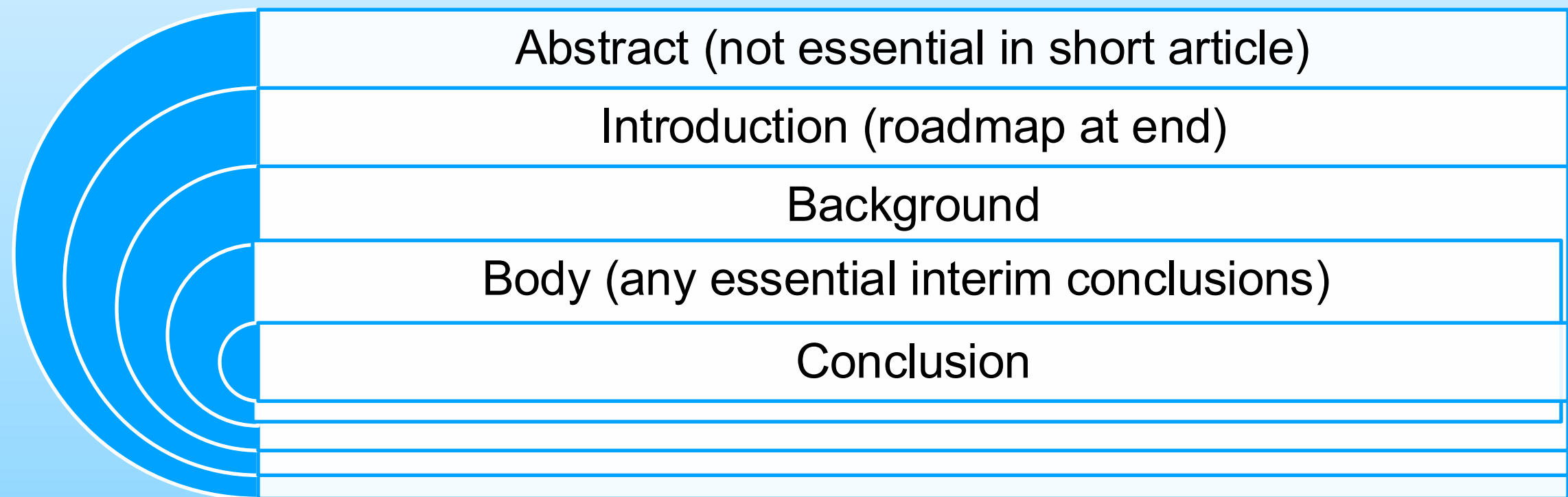
Don't forget: When all is said and done, **do not hesitate to re-evaluate and adjust your paper as need be based on your research. It's a process. Better now than later!!**

V. Writing

Tips

- Academic nature of the argument. Appealing to logic and rationality not emotion.
- Structure such that if you add up all the main points, the hypothesis is proven.
- Come to Progress Meeting with an outline of the structure so Supervisor can provide feedback. Once good and detailed structure in place, writing will flow.

So how do I organize an Article?



Introduction



What is this about? Basic claim or advice and **conclusion**.



Why do we care? Why is this important? What's the context and what is at stake? Why should I read this? Engage the reader and provide relevant background. [In client memo this may be obvious to client so adapt]



Where are we going? Summarize structure of essay very briefly so the reader can follow and knows what to expect.

A strong introduction will

- ✓ Show that there's a problem, and do so concretely;
- ✓ State the claim;
- ✓ Frame the issue; and
- ✓ Do all this quickly and forcefully.

Background

- Before you can prove your claim you may need to give some background.
- Section after Introduction normally does this. It is easy to go on and on with background information but this is just descriptive.
- **In this paper this should be extremely brief - only background that is necessary to understand the problem and the proof of the claim. Can assume some knowledge. May not be necessary to include background given word limit.**
- If you are dealing with legal precedents do not describe them all in detail, synthesize them and discuss salient aspects.

Main Body (general writing tips)



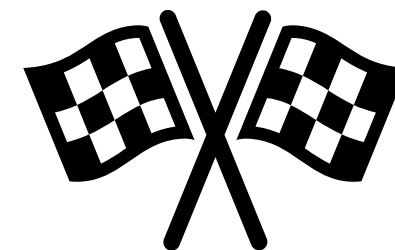
- ✓ Sections and headers should guide reader.
- ✓ One idea per paragraph.
- ✓ Structure of each paragraph: topic sentence, evidence/support, conclude and transition.
- ✓ Order of paragraphs should follow some logic
 - chronologically?
 - order of importance?
 - nature of argument?
- ✓ Interim conclusions useful to help reader follow the proof of the claim. Since the Paper is quite short do not rehash interim conclusions. Focus on essential.
- ✓ Don't ignore adverse authority. Refute counter-arguments and acknowledge uncertainty.

Conclusion

Briefly summarize most important conclusions. Sum-up.
Short.

Keep it quick – reader ready to be done and too much repetition not helpful.

No new ideas or cliffhangers!!



Sentences – keep them short!

One complex thought per sentence.

Generally 20-25 word sentences.

If a sentence is longer than 20-25 words, consider whether it should be shortened/divided into two sentences.

Keep them short - example

Arbitration as a means of settling disputes was at first viewed by the courts with much disfavor, but today is being used increasingly as a substitute for litigation for the adjudication of disputes arising out of contracts.

Keep them short - example

Courts initially viewed arbitration with disfavor. However, today arbitration is a common substitute for litigation involving contract disputes.

Tone and Nature of LL.M. writing

- Scientific/Academic in nature
- Should be neutral
- No emotionally colored statements
- Don't build argument on personal value statements
- Clear and specific not vague
- Avoid superlatives as difficult to prove and defend
- Address counter-arguments

A word about Titles, Chapter Headings and Subsections



Title should alert reader to topic. Don't be mysterious. Clever OK; confusing Not OK!



Headings and subsections should provide structure and clarity (whether in article, memo, court submission or opinion) not be vague. “Counterclaim one” – not helpful!

“” Quotations

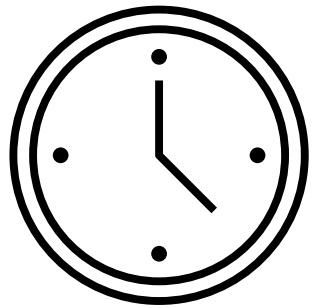


- Don't overuse quotations
- Don't include very long quotations (interrupts flow)
- Don't use many quotations in language other than English (then must translate and very wordy). You can do research in other language but limit quotations.
- This paper is short so try to avoid many quotations
- Client memo will not usually use quotations



- ✓ Use carefully selected short quotations to catch the reader's attention. A quotation should be introduced and anchored in the text so it flows as part of an argument or discussion. Don't just insert a quotation with no discussion. Quotation must serve a purpose.
- ✓ Starting and ending an article style paper with an intriguing quotation can be effective.

VI. Revision and Editing



Revision and editing essential to a strong thesis

Time Management

Don't leave writing to the last minute

Leave ample time to revise

One of the most important parts of the process!

How to revise?

- ✓ Take a break and come back to it with fresh eyes.
- ✓ Evaluate your arguments – are they clear? Could they be stronger? Need more research?
- ✓ Have you considered your audience – client, court, general reader?
- ✓ Do the paragraphs flow?
- ✓ Should the order be changed?
- ✓ Are your headings clear?
- ✓ Have you given the reader all relevant information as background but no excess?
- ✓ Do you need to revise introduction in light of any changes?
- ✓ Check writing for clarity?
- ✓ Trim the fat – can you say it in fewer words?
- ✓ Check citation format.
- ✓ Spell check.
- ✓ Print it out and reread printed version.

Don't forget to consult notes and resources from the writing workshop!

VI. Plagiarism and Citations

What is Plagiarism?

Plagiarism is presenting someone else's work or ideas as your own, with or without their consent, by incorporating it into your work without full acknowledgement. All published and unpublished material, whether in manuscript, printed or electronic form, is covered under this definition. Plagiarism may be intentional or reckless, or unintentional.

- Oxford University website, Oxford Students, Academic Matters, Study Guidance.

What is Plagiarism really?

- *Even with consent, you cannot pass off someone else's work or ideas as your own*
- *Even if it was un-intentional, by mistake – still plagiarism*
- *Even if you don't use exact words, if you take an idea or paraphrase it is plagiarism*
- *Even if you add a citation, if you fail to use quotation mark when copying text it is plagiarism*



ULB has **anti-plagiarism software**
and we use it.

GEN AI



- Commonly used
- Allowed as a tool
- Take a critical approach*
- **AI Disclosure form**

Paper must be a personal, original academic work representing the ideas, research and analysis of the student.

*Still often wrong – for example knows nothing about Belgian inheritance taxes!

Why Cite? Citations are good!

To avoid
plagiarism

To give credit
where due

To give
authority to
your arguments

To allow others
to find your
sources

When to Cite?

- Quoting actual text*
- Paraphrasing text
- Reference to legal source, case etc.
- Any statement or idea that is not your own including from AI tools

Do not cite commonly known information (The U.S. is a democracy - don't need to cite the U.S. Constitution)

*if you use someone else's words you must use quotation marks, citation alone is not sufficient.

How to Cite?

Oxford Standard for the Citation of Legal Authorities (OSCOLA)

- www.law.ox.ac.uk/oscola
- Citations and also general rules of writing conventions
- OSCOLA appendix part IV 2006 for international law
- Blue Book US standards but OSCOLA European
- Footnotes not endnotes
- Bibliography (note format for Bibliography different from Footnotes)

Highlights from OSCOLA – Section 1 General Notes:

Quotations: Single quotes: He said 'I am happy'.

Punctuation follows closed quote (as above) unless punctuation part of quote as in a question: She said 'are you happy?'

Use ellipsis (...) to indicate missing text

Longer than 3 lines, block indent with no quote

Highlights from OSCOLA – Section 1 General Notes:

Footnotes: Indicate footnote with superscript number, after relevant punctuation generally at end of sentence unless for clarity should be in middle.

Footnote for cases, legislation, secondary sources, online, quotations etc.

If text refers to legislation in its full form no need to have a footnote.

Close/end footnote with period. Where more than one citation in FN can separate citations with semi-colon and put them in chronological order with oldest first.

Minimalist so subsequent citations to the same document will refer back to the previous footnote. If immediately before use *ibid*. Example:

- 1 Robert Stevens, *Torts and Rights* (OUP 2007).
- 26 Stevens (n1) 110.
- 27 *ibid* 271-78.

Highlights from OSCOLA – Section 1 General Notes:

- Avoid Latin Gadgets: *supra*, *infra*, *id* and the like which are not well understood (except where *ibid* OK in citation).
- Punctuation: use as little as possible. For example, abbreviations and initials do not use periods (*UN*, *WTO*, *ICC*).
- Numbers: both figures for ranges between 10-20 and thereafter as few numbers as possible (but at least two for final two numbers) *1782-812; 1925-27*.
- Foreign words: italicize (but not if quotations). Provide translation in brackets or footnote if required.

Clear and concise presentation of issue and key points of argument

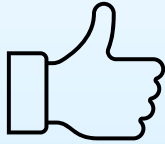
Not a summary of entire paper

Attend Workshop on oral presentations

Reference research

Be prepared for questions – as in an oral exam

Oral Presentation



GRADING x/20:

Numerical score out of 20. Supervisor with Academic Coordinator for consistency.

- Paper: language and structure, strength of the argument or advice, thoroughness of the research, originality and clarity. (indicative 40% of the grade)
- Oral defense: The oral will be graded on the basis of presentation (verbal and non-verbal), ability to convince, defend arguments/advice, respond to questions and integrate research. (indicative 60% of grade)

Next Steps for First Semester Writers



- Explore topic ideas.
- Make an appointment with Academic advisor to discuss topic ASAP (once you have a topic idea).
- Consult LL.M. Paper and Presentation guidelines.
- Attend writing workshop and review posted writing resources.
- 10 October Supervisor's agreement.
- 31 October topic and format delineated.