

# YOUR THESIS

## Thoughts, Comments, Resources, & Guidelines

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### Introduction

I look forward to working together with you to produce the best possible thesis. Your thesis provides an *opportunity* to make a “statement” of which you should be proud for the rest of your career. Once completed, your thesis will be retained in the Burns and Gelman libraries for future research. Moreover, most candidates aspire to publish their theses. Many government procurement law LL.M. graduates have published their work in journals such as the *Public Contract Law Journal*, the *Public Procurement Law Review*, the *Military Law Review*, and the *Air Force Law Review*. (Of course, there are other excellent options for publishing your thesis, such as the *Federal Circuit Bar Journal*, the *Administrative Law Review*, general circulation law reviews, and the various law and policy journals).

Please remember, however, that accepted theses are the property of the Law School, and the Law School must be given credit for material used in the publication of any portion or adaptation of your thesis. This credit typically appears with the author's biographical information.

The following thoughts, comments, and guidelines should assist candidates in thinking about this endeavor and may help in deciding whether to work with me or another member of the faculty. If you choose to work with me on your thesis, I encourage you to *periodically return to this document and review its contents*. (Gentle warning: it frequently is obvious when thesis candidates fail to remain familiar with this document, and failure to follow this guidance both slows the process and frustrates your thesis advisor.)

This informal guide does not replace the law school's guidelines on theses. (If you are unable to resolve any perceived inconsistencies between the law school's guidelines and this document, please let me know.) Nor is it a substitute for attending the mandatory in-class sessions for the Thesis courses, 690-691 (currently taught by Professors Jessica Clark and Karen Thornton). **Take full advantage of the Thesis course** and the Thesis course instructors!

### Choosing A Thesis Supervisor

Before commencing this endeavor, all LL.M. candidates must identify a thesis supervisor. This is one of the most significant decisions that you will make in the process. It commonly is suggested that you elect to work with an advisor that possesses unique knowledge in the area that you plan

to research. Moreover, you should ensure that the advisor that you select is someone that you enjoy working with. (For example, it is a recipe for disaster to engage in this enterprise with an advisor whose input you do not welcome or respect.) Also, be sure you understand your advisor's expectations before you begin your work.

## The Concept

Your thesis is *your* effort to *make a statement* that adds to the literature and “thinking” of Federal procurement law, government contracting, or procurement policy. (Your dictionary likely defines “thesis” using terms such as “proposition,” “original point of view,” or “argument.”) Your thesis needs to do more than just describe or chronicle the state of the law. A thesis draws the state of the law together for some new insights, and/or departs from the state of the law to suggest possible areas for improvement. One of the most common failings in early thesis drafts is that they simply rehash the law without original insight or recommendation.

Before you begin, it may help to attempt to *visualize the final product*.

- Do not hesitate to: (1) look at a number of theses in the library (remembering, of course, that some are better than others); (2) read some articles in law reviews (when in doubt, choose articles on topics with which you have some familiarity); or (3) combine these efforts by identifying some of the LL.M. theses that have been published in law reviews and journals. Modeling makes sense. If, before you commence this endeavor, you do not understand what you are trying to achieve, the hurdles you face are compounded.
- If you have never written a large, complicated research paper, I strongly recommend that you read the helpful article by Eugene Volokh, *Writing A Student Article*, 48 JOURNAL OF LEGAL EDUCATION 247 (June 1998). Volokh later expanded this article into a helpful book, *ACADEMIC LEGAL WRITING* (Foundation). In addition, do not hesitate to invest in a copy of ELIZABETH FAJEANS & MARY R. FALK, *SCHOLARLY WRITING FOR LAW STUDENTS* (West). As you progress, you might also want to consider another (brief) piece by Volokh, *Test Suites: A Tool for Improving Student Articles*, 52 JOURNAL OF LEGAL EDUCATION 440 (2002).

Some thoughts on *volume* (because folks tend to obsess over this issue):

- While there are no formal page requirements, you should aim for a terse, well written, meaningful research paper that makes a clear and convincing statement on your behalf. Do not write to the page guidelines; write a good research paper, and the volume will come. *I know, I know*, you want me to tell you how long your paper has to be. Recent experience indicates that 70-90 pages gets the job done. You will find that most of the theses in the library exceed 100 pages (but I am not encouraging this as a goal). Many are 175 or 200 pages or more (but I do not recommend this approach). I have not yet accepted a thesis under 50 pages (but there is a first time for everything).

A word of caution: Many academic journals have attempted – with varying degrees of success – to reduce the length of their major articles. Many journals currently prefer pieces of less than 50 pages. Of course, it is acceptable to submit a truncated version of your thesis for publication in a journal.

- The thesis should contain sufficient footnotes to make your thesis a valuable research tool for others interested in your research. (Along those lines, aspire to cite to *original source material* whenever possible.) Because footnote volume varies depending upon style (e.g., frequent use of *id.*, etc.), guidelines are not very meaningful. Nonetheless, recent experience indicates that solid theses contain 150-300 footnotes. Many contain more than 400 (although that need not be your objective). As an aside, my personal preference is for single-spaced footnotes with double spacing in between footnotes.

### **Stages in the Process**

In addition to your research and writing, the basic stages of your thesis work with me will entail submission of: (1) a topic statement, (2) an outline, (3) a partial draft (e.g., a section or chapter), (4) a draft(s), and (5) the final submission, ready for binding.

**Topic selection** cannot be overemphasized. Even the best topic, if it fails to command your attention, can haunt you and pose a daunting impediment to thesis completion. Choose a topic you care about, are interested in, and want your name associated with in the future. (If a relevant topic makes you angry, run with it.) A good topic statement can be constructed on one page, but do not hesitate to use two or three pages if it helps you articulate your vision of where you are going. As a general rule, many students initially fear that their topics are too narrow (but this fear typically is unfounded). More students experience difficulty because their topic is too broad. Be sure to discuss your topic with our excellent research librarian, Matthew Mantel, for ideas on research.

Do not begin writing without submitting an **outline**. Your outline, which should coincide with your table of contents, will become the “road map” for what you intend to cover in your thesis. Your outline should keep you focused on the topic and avoid delay and confusion from pursuing irrelevant side issues. I encourage you to regularly update both your outline and table of contents. If you choose to deviate from your table of contents with a new issue, think how it should be built into your table of contents and modify the table accordingly. The table of contents should also help you pace your writing. Once you have your working table of contents, make a “guesstimate” as to how many pages each subheading will need.

I encourage submission of a **partial draft** – either a section or a chapter. Ten to fifteen pages typically proves sufficient. Candidates that elect this route tend to have less

difficulty revising later drafts (and receive higher grades). I remain surprised and disappointed by the frequency with which LL.M. candidates fail to take advantage of this opportunity.

Keep in mind that the first draft that you submit should not be your first draft. Show me the level of effort you would provide to a person who could seriously affect your career. (Remember, *you only get one chance to make a good first impression* in this enterprise.) Your draft should be clearly written and thoroughly reviewed for spelling, punctuation, and grammar. The sooner we can get past the mechanics of writing, the more we can focus on the thesis' content. I strongly encourage use of the Law School Writing Center -- schedule an appointment and submit your work for review and discussion early in the process. See the additional comments on writing, below.

When you submit subsequent drafts, return your last marked up draft for comparison. If your word processing program supports “redline” (Word) or “compare document” (Word Perfect), please provide your subsequent drafts in that format, showing comparisons to the last draft. (Otherwise, please mark new material with a high-lighter.) At a minimum, however, *save and return the draft I've marked up with your revised draft*. This assists me in more quickly returning your drafts. Failure to comply with this request is an excellent opportunity to disappoint and frustrate your thesis advisor; it also guarantees delays in your ability to obtain guidance and/or input on your written work product. (You've been warned, so don't complain later!)

Please coordinate with the Records Office on **final submission** of your thesis (including cover sheet, table of contents, etc.). It is your responsibility to ensure that you comply with the Law School's requirements regarding cover page format, number of copies, etc. It is also your responsibility to provide two unbound copies of your final work product to the Dean of Students Office. These copies will be bound, shelved, and catalogued in the Burns and Gelman libraries for future research.

I strongly urge you to seek publication of your thesis. Numerous options for publishing your thesis are available. Also consider submitting your thesis to the American Bar Association's PUBLIC CONTRACT LAW JOURNAL Writing Competition, as well as NCMA's W. Gregor Macfarlan Excellence in Contract Management Research and Writing Program. Both offer \$5,000 prizes and publication opportunities.

## **Writing**

Writing a “thesis” does not justify use of an artificial, obtuse, academically affected writing style. Remember that, in your thesis, your brilliant thoughts do not count if they are not communicated. Clear writing is best. In addition to the dictionary and thesaurus, I recommend STRUNK & WHITE, THE ELEMENTS OF STYLE, and RICHARD WYDICK, PLAIN ENGLISH FOR

LAWYERS. Again, I *strongly encourage use of the Law School Writing Center* – schedule an appointment and submit your work for review and discussion early in the process.

Based upon experience, the following tips could improve most thesis drafts.

- Use **active voice**, don't use passive voice. Don't write like a bureaucrat. Identify the noun. Don't hesitate to use basic noun-verb-object construction.
- Use **short, clear sentences**. Sentences should not contain more than one thought. If you see a sentence longer than 50 words, break it down. Avoid sentences longer than 25 words. Aim for average sentence length in the 10-15 word range. (Your word processor can calculate this for you.) Long sentences tire readers. *Long sentences in long papers exhaust readers.*
- **Paragraphs** should address no more than one topic. Think about topic sentences. Transitions, both between paragraphs and sections of your thesis, help to guide the reader comfortably through your work.
- **Eliminate excess words**. While your paper may examine “the intent of the drafters,” you better serve your reader by explaining the “drafter's intent.” (See STRUNK & WHITE, THE ELEMENTS OF STYLE, Elementary Rule Number 1.) When you complete your first draft (but before you submit it for review), read the draft again with an eye towards eliminating at least five words on each page. (Many students concede that, in performing this exercise, they easily eliminated ten, sometimes twenty, words per page.)
- **Avoid plagiarism**. The law school and university take this seriously. Plagiarism is “intentionally or knowingly representing the words or ideas of another as one's own in any academic exercise; failure to attribute direct quotation, paraphrase, or borrowed facts or information.” Designate any material directly copied from an article or regulatory preamble as a quotation. Always and frequently attribute to the sources used even where material has been paraphrased. If you have questions about this, bring them to my attention when you submit your draft. Be sure to obtain a copy (or review the web version) of the law school booklet *Citing Responsibly: A Guide to Avoiding Plagiarism*.
- Make a habit of using **correct Blue Book citation form** the first time you insert every citation into your draft. You will find it easier just to do it right the first time than going back and trying to correct your work later. If you confront problems citing specialized materials that are not addressed in the Blue Book, consider using the PUBLIC CONTRACT LAW JOURNAL *Style Guide*.

- If you are not already comfortable with the Blue Book, you may prefer to use the Association of Legal Writing Directors (ALWD) Citation Manual: A Professional System of Citation. I find that the technical differences between the ALWD Manual and the Blue Book are insignificant. I believe, however, that the ALWD is a superior desk reference and learning tool.
- Be judicious in your use of block quotes. (Block quotes should be single-spaced, and indented on both the left and right margins.) Assume that most readers will skip over your block quotes without reading them. Accordingly, the block quote should add something to the main text.
- **Proofread often.** Then proofread again. Most of us are better editors than writers (but if we effectively edit our work, readers cannot tell the difference).
- A few formatting matters: As a general rule, use Times New Roman 12 font (for text and footnotes). Please, do *not* use reduced size font for your footnotes. Double space text and single space footnotes, but double space between footnotes. Toggle on the automatic “footnote continued” message function. Use italics instead of underscoring.

## Scheduling

Please remember that long papers take time to review. Further, you are competing with other candidates, classes, etc., for review time. This problem is most acute as the May, August, and January graduation deadlines near. You cannot expect immediate turnaround on your drafts, so plan accordingly. (I'm serious about this – don't be your own worst enemy by failing to provide sufficient time for me to review your work.) For example, a full-time LL.M. candidate, commencing studies in the fall of 2008, and aspiring to graduate in August 2009, should adhere (conceptually) to the following schedule:

11/21/2008	Select Topic; Advisor Approval
1/9/2009	Submit Initial Outline (1-3 pages); Meet with Advisor for Comments
3/11/2009	Submit Expanded Outline (5-10 pages); Meet with Advisor for Comments
4/22/2009	Submit A Substantial Section (as agreed with Advisor)
6/05/2009	Submit Initial Draft of Thesis
7/15/2009	Submit Revised Draft of Thesis
8/7/2009	Final Submission
9/30/2009	Submit Thesis to ABA/Public Contract Law Journal Writing Competition
12/31/2009	Submit Thesis to W. Gregor Macfarlan Excellence in Contract Management Research and Writing Program

Your goal is to complete each of these tasks well before the suggested dates. (Indeed, Professors Clark and/or Thornton may hold you to more aggressive dates, which is a good thing.) Although

I typically review work on a first-in-first-out basis, I give the greatest priority to candidates who demonstrate legitimate progress towards thesis completion. (In other words, I give less attention to hastily assembled work submitted solely for the purpose of meeting a deadline.)

### **Leveraging Technology**

Choose a modern, powerful, widely-distributed word processing software package early, *learn how to operate its major features*, and utilize the available technology. When in doubt, select the most recent version of *Word Perfect* or Microsoft *WORD*. Become familiar with oft-used formatting tools. Using the automated Table of Contents feature permits you to frequently update your outline. Learn how to mark and collect your citations for your Table of Authorities. [Note: We no longer require a table of authorities, but you may choose to include a table of authorities or an index as a service to future researchers.] Learn how to code frequently appearing sources in your footnotes (e.g., for *supra* and *infra* cites). Master the “track changes” or “compare” (or “redline” or “line-in-line-out”) feature. Back up your work product and try to maintain a copy of your work somewhere other than on your PC's hard drive (e.g., on a USB stick).

**GOOD LUCK!**

A handwritten signature in black ink, appearing to read "Steven L. Schinner". The signature is written in a cursive, flowing style.