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How to Write a Paper for a Forensic Damages Journal

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Abstract

The purpose of this paper is to provide a step by step framework for preparing a paper for submission to journals that publish papers in the area of forensic uses of vocational expertise or economic analysis. This same general framework is applicable to professional journals in other fields of behavioral analysis with minor modification. This framework will also be useful for the preparation of narrative portions of a forensic expert's report in a case in litigation. For ease of use, the framework is spelled out as a series of steps that should be followed. Common mistakes are discussed as each step is considered.

How to Write a Paper for a Professional Journal

Thomas R. Ireland

What is the Benefit of Publication in Professional Journals

In the new world of *Daubert*, being able to demonstrate that one is not only keeping up with one's field of specialization, but have had papers published in journals that are read by other experts in one's field is an important credential for testimony in a court of law. Publications do not, in spite of what is commonly thought, constitute proof that one's methods have been "peer reviewed" in the technical sense of that term, as Chan (1995) has pointed out. In the future, it may be that published papers will become a requirement for testifying rather than, as it is now, just a very useful credential. However, being published in journals does demonstrate that others have shown respect for one's work. For most practitioners, however, the most important reward from publications is pride of ownership in the ideas that have been expressed. It feels good to be published and to know that one's ideas and writing skills have been sufficient to meet the standards set by others in one's field.

Another big advantage for improving one's writing skills lies in the area of writing better and more effective reports for cases. While this paper focuses on writing for publication in professional journals, good writing for any one purpose will carry over to other purposes. The case reports of many forensic experts are very poorly written and sometimes "padded" with "canned" material that is not specific to a case--as if a longer report is a better report. The extreme in this area was a report this writer once read for a wrongful death case that was twelve pages in length. Nine of the twelve pages described how to perform an analysis of residual earning capacity--which was surely precluded by the death of the decedent. Such reports do not

impress attorneys and most assuredly do not impress judges. Just like a good publishable paper for a professional journal, a good case report is shorter rather than longer and is much more effective if focused specifically at the case at hand. No one is very much fooled by the inclusion of “canned” material that appears in every report. It is much more useful to have a short, clear, professional sounding and focused report that describes what you were asked to do, what you did to comply with the request and what were your conclusions. It can be useful to convert “canned material” into a published paper that can be referenced in the report--assuming that the “canned material” is publishable in the first place.

General Advice about Writing

It takes a positive attitude and a willingness to take risks in order to learn to become a better writer. Mostly, however, good writing requires practice; practice; and more practice. Practice, in turn, requires guidelines within practice is an effort to improve. That is what this paper is about--providing guidelines for practice directed at improving writing skills. Writing is like learning to play a musical instrument. The very first step is to be able to produce sounds from a musical instrument. To have a successful forensic practice an expert has already learned how to make the right sounds from the writing instrument. If an expert had not been able to combine words at least somewhat effectively in letters and reports and in verbal testimony, that expert would long since have been out of this business. The trick is to be able to combine those sounds in a way that produces “music” in the form of publishable work.

Anyone who has been involved professionally for any period of time has learned lessons that could be usefully shared with fellow professionals in that field. That means that an established expert already meets the most important prerequisite for successful publishing. The

expert has something useful to tell his or her colleagues. Good writing is being able to say what one has to say in a simple straightforward manner without getting distracted into a set of side issues that are confusing to interested fellow readers. Good writing is “economical” in the sense that Dierdre McCloskey (2000) aptly describes. Writing improves to the extent that the writer uses fewer words and a more direct and easier flow in what the writer is telling colleagues. What is not needed should be left out. Two short papers with two different central messages will add more to a writer’s credentials than one long one that contains both central messages. Those short papers are also likely to be better remembered and more cited because of good message focus. Just as importantly, it is easier to write good short papers than good long papers. Long papers must contain complex interconnected themes. A good short paper only needs one simple theme presented well. For that reason, an inexperienced writer should probably set out to publish short papers and then progress to longer papers as skill develops.

Someone who is an inexperienced writer will probably not have a paper accepted in the first journal to which it is sent. And even experienced writers are likely to have to “jump through hoops” mandated by reviewers. Sometimes those “hoops” will significantly improve a paper, but that is not always the case. The reviewing process at professional journals can be quite arbitrary in some instances. The reviewers selected for a given paper may simply disagree with the author and reject the paper even though there is nothing wrong with it. In journals devoted to forensic damage analysis, however, the odds are much more in your favor than in more academic journals. Most journals devoted to forensic damage analysis have a hard time finding enough quality papers to maintain their desired publication rates. And even if every journal on forensic economics and vocational expertise rejects a paper, the writer still has many options. There are hundreds of law

reviews that are always hungry for well written work and various bar journals that might also be interested.

Step One. Know What You Want to Say

That seems like a simple point, but knowing exactly what one wants to say should be at the center of efforts to write a paper for publication. Papers that are written in an attempt to achieve publication sound disoriented and without purpose. They look like what they are--an effort to obtain a publication as a credential rather than a statement of importance to fellow members of a profession. This does not necessarily mean that the material presented in the paper must be “new” in the sense that it has never been written about before, but it must be “useful” to projected readers. For example, a paper that summarizes the literature on a given topic may not say anything “new” in terms of ideas, but it still may be a useful summary of the literature it is describing. If the summary is new, the paper is useful even if none of the ideas being summarized are “new.” If well written summaries with the same perspective already exist, there was no point in writing the paper. Any good paper has only a few central points. It may be as few as one central point. A summary paper has only one point--this is what has been said in the literature on a given topic. Whether there is one central point or several, a writer should be able to explain those central points in a few sentences to someone who is a fellow professional in the writer’s field. If a writer can quickly summarize the key points to be conveyed to other people, the writer are on the right track.

Many bad papers are rambling discussions of topics that have already been covered by other writers much more clearly and effectively. If it has already been said well, it does not need to be said again. But “well” must be defined in terms of the audience being addressed. A paper

that is written “well” for an audience of nuclear physicists might be very poorly written for a group of mechanics. If a paper presents old information in a new way that is easier for a given audience to understand and use, the writer has made a contribution. If a paper simply presents old information without bringing something new to the journal’s audience, it is unlikely to be publishable.

Clearly, this means that a writer must make the effort to determine what has already been said about the writer’s proposed topic. In this process, the writer may be surprised to discover that others have already said what the writer initially wanted to say. If so, the writer may decide that the idea for the paper is not worth pursuing, or that there are parts to what have already been said by others that do not tell the full story. If it is the latter, the writer may still want to write a paper, but it will now be a different paper. The following is a three sentence test to see if a paper is worth writing. The test is to answer each of three questions with one sentence:

- (1) What is the point of the paper?
- (2) How does the paper go about making its point?
- (3) Why should anyone care?

At some point in the process of working on a paper, a writer should be able to answer each of those questions with one sentence each. If the writer can’t do so, the paper is probably not worth pursuing. Knowing when to drop a writing project is a part of good writing.

Step Two. Consider carefully the background literature that you are trying to modify.

With respect to contributions a writer might wish to make, it is important to consider both demand and supply. A message a writer might wish to convey, but which others are unlikely to want to hear is not likely to be publishable. The problem here is not that other colleagues might

want to avoid the “truth,” but that it is the writer’s job to present arguments in a manner that makes the writer’s “truth” seem relevant to the intended audience. A paper might be very innovative and convey much new information, but still not be of immediate interest to others. The writer needs to be able to explain why this innovative and new information might be of interest--to build the bridge that connects what the writer wants to say to the interests of the intended audience. That bridge building process is the writer’s review of the existing literature. It is important for the writer to provide readers with a brief, well organized understanding of what has already been said about the topic area of the paper. The writer must also explain how that area impacts on other areas that might be of interest to readers. To do this, the writer must thoroughly research the relevant literature to see what has been said on all closely related topics. The writer must then organize and review that literature as a part of communicating to readers why they should want to read the writer’s current contribution.

In other words, the writer must tell intended readers why the topic of the paper is important to them, what has already been said on the topic, and what the writer will add to the topic that is important. If a reviewer for a submitted paper and immediately recognizes that important papers on the topic are not covered in your paper, it will usually be sent back as inadequately researched. While there are exceptions, papers that do not demonstrate command of the relevant literature are seldom treated seriously by reviewers. A writer may be spared if the reviewer knows the literature well enough to recognize that even though the writer isn’t familiar with the literature on the subject, the writer still saying something that is new and important. It is not prudent to count on having one or more reviewers with that much insight, however, and a good reviewer of this sort will insist that the writer do a thorough job of literature review before

resubmitting the paper even in this case. It is better to have done that work before the paper was submitted in the first place. That is especially true in the area of forensic damages analysis, where the literature that needs to be reviewed is relatively limited.

The key here is to thoroughly research the journals and treatises that are central to the writer's field of expertise, examining all papers and sections of books that deal with the general topic area of the intended paper. If it turns out that a reviewer knows of a relevant paper in a journal in another field that the writer would not have been expected to find, a reviewer will not look amiss at that omission. But if a reviewer immediately thinks of papers it is obvious that the writer should have considered before addressing the topic of the paper, the paper will either be rejected on this grounds or sent back with an instruction to do a thorough literature review.

Step Three. Be sure you know exactly what you are adding to what has already been said.

Having done a thorough job of reviewing the relevant literature, a writer should be able to easily determine exactly what a proposed paper will add to what has already been said. The paper may only be adding a more easily understandable presentation of points already in existence. It may be providing a better summary than now exists of points other persons have made. It may contain new, important, and very innovative points that have never been made before. Any of these reasons could justify a new paper if correctly advertised. A clear statement of the nature of the contribution being made by the paper should be part of the introductory section of the paper.

Step Four. Write the abstract as a summary of your responses to Steps 1-4.

Every good paper needs an abstract. An abstract is something like an outline, but is more focused and needs to be more integrated. An abstract is what a reader typically reads when deciding whether or not to read your paper. It is the advertisement the writer creates for a paper,

indicating what it has to offer. Good advertising involves brief strong messages. What is it about the paper that should interest a reader? The first four steps have already provided the framework to answer that question. Combine those steps into an abstract that says only what it needs to say to let potential readers know whether or not they should invest the time to read your paper.

Step Five. Choose a title that accurately describes your paper.

In choosing a title, a writer should remember that the first thing a potential reader will see is the title of the paper. Unless the writer is very well known, so that people will read the paper because the author wrote it, the title will determine whether a reader even looks at the abstract. A good title will signal to readers what the paper is about in a way that saves time for readers. A clever title will be much less effective than a title that is accurately descriptive. Fellow professionals will respond if the writer has something to say and if the writer has considered why readers might be interested in hearing what the writer has to say. If the requirements of the first four steps have been met, a descriptive title will attract readers. Titles for most articles in professional journals are not short and are not clever, but they provide a description of the paper in a few words. In effect, a good title is an abstract of your abstract.

Step Six. The introduction should be a road map to your paper.

Many readers, including this writer, follow a sequential process in determining whether or not to read a paper. The title of the paper is the first thing that is read. If the reader remains interested at that point, the next step is to read the abstract. If still interested, the next step is either to read the introduction or the conclusions or both. If still interested at that point, the reader will begin to read the body of the paper itself. Knowing that, a writer needs to concentrate on the quality of those parts of paper, both in terms of readability and content. Writing

conclusions will be the writer's last step, but the introduction is what sets up the entire paper. It should strongly anticipate writer's conclusions, but it should also explain how the paper is structured.

The introduction will be Section I of the paper. It will repeat most of the points that were covered in your abstract, but with a more relaxed narrative and greater detail. It will still need to answer the questions that were posed in Steps 1-4, but it can now fill in a few more details, suggesting additional advantages the reader will derive from reading the paper. Along with this more relaxed restatement of the things the paper say, the writer may want to provide a reader with a road map for the paper.

The road map is a narrative outline of the paper. In that outline, the second section of the paper is likely to be a discussion of the state of the literature that is being modified or improved by the paper. Each section after that will deal with a specific general topic that the writer intends to consider, in the order in which the writer intends to consider those topics. The final section will deal with conclusions reached in the paper, if any. At the end of the introduction, the writer might say something like, "Section II of this paper reviews the existing literature. Section III deals with [implication #1] of this analysis. Section IV deals with [implication #2]." And so forth. Papers of less than twenty manuscript pages (double spaced of course) should not have more than six or seven sections. Some law review papers are much longer than twenty pages and may correspondingly have many more sections and subsections.

Step Seven. Write your review of the literature.

Section I is normally the introduction and Section II is normally the writer's review of the existing literature. This is the section in which the writer provide a brief introduction to the

literature that already exists in the topic area of the paper, with primary emphasis on the parts of that literature that the paper will elaborate or modify. The writer does not have to cover the entire literature on this topic, especially if others have already written useful reviews of previous literature. If such reviews exist, the writer should cite reviews rather than original papers for general background. The writer's intention should be to allow a reader to be able to access all of the relevant literature, not to cite every paper in that literature. Citing reviews is an efficient way to provide access to the reader. In areas that your reviews will modify, it is important that the writer identify papers that should be modified based on your current paper. Finally, a writer should be particularly careful to avoid unnecessary "self citation," citing one's own papers in the same general area unless one's own papers are critical to understanding the current paper.

Step Eight. Focus each subsequent section on one central point.

Poor organization is a common problem with many papers that are rejected for publication. Good organization consists primarily of making efficient use of the reader's time and effort. For a reader to get maximum benefit from a paper, it is important that the writer complete discussion of one major point before moving on to a second major point. In a well organized paper, each section is devoted to a central idea or point. The central idea or point may have a number of parts, but an organized paper's discussion moves logically from one point to the next until all of the points have been covered. A good paper does not go into issues that might be interesting in and of themselves, but which are not connected to the central theme of the paper itself. Many rejected papers wander from idea to idea and back again with no central focus.

No matter how interesting something else may be, if it is not related to that central theme and can easily be left out of a paper, do not include it. If it is a good enough idea, put it in

another paper.

Step Nine. Write a conclusion that summarizes the points you have made, if necessary.

When the body of the paper is completed, it is sometimes useful to summarize the points the writer has made in the paper in a “Conclusion” section. If your paper is purely historical or a summary of the literature, a conclusion may not be necessary. If there is a concluding section, it is important to remember that the reader may read the conclusions before reading paper. If so, the conclusion, rather than the introduction, may be what induces your reader to read the paper. For that reason, it is important that conclusions be stated clearly and in the same order that they were presented in the paper. Since this is s concluding section, there is need to review what was said in each preceding section, but the order of the sections should nevertheless be the order of concluding comments. An effective conclusion is short and to the point. For readers who have read all of the paper, it will remind them of the logical structure of the points made in the paper. For persons who are deciding whether to read the paper, it will inform them about what can be gained from reading the paper. Near the end of this section it may also be useful to add suggestions for further research if such research would be desirable.

Step Ten. Use spell checking, grammar checking and proofread your paper.

Most modern word processors come with both spell checking and grammar checking programs. A careful writer will use them *after* the paper has been saved paper to file. It is useful for the writer to request that someone else carefully read and comment on the paper. It is particularly difficult just after the completion of a paper for the writer to spot errors. After some period of time (measured in days or weeks, not hours) the writer can proof the paper more effectively. Many papers arrive at journals with major spelling errors or word fragments that are

not sentences on the first page of the paper. Misspelled words and incomplete sentences are careless problems that can be easily eliminated, using features of the word processor used to write the paper. Grammar checkers will help find sentences that may be too long, or that are confusing. Careless errors detract significantly from the perception of the quality of a paper and interfere with the ability of readers to effectively grasp the content of the paper.

Step Eleven. Follow formatting instructions of the journal when you submit your paper.

Professional journals ordinarily provide specific instructions for submitting articles at the front or back of most issues. Read those instructions carefully and follow them. The instructions may require a writer to submit four copies with only the writer's name on the cover sheet. A submission fee may be required. Whether to use footnotes or endnotes is normally indicated in the journal. Journals usually require that text be submitted with double spacing and normal margins. Diagrams may be required to be print ready. Reading the guidelines carefully when submitting articles to a journal, and following those guidelines greatly enhance the chances for an acceptance.

Step Twelve. Resubmit your paper if it is rejected at first.

Good journals sometimes reject good papers they ought to accept. The normal reviewing process can result in your paper being sent to the reviewers most likely to reject your arguments and thus your paper. Gordon Tullock once submitted the same book to more than forty publishers before finally having that book accepted and to later become known as one of his most important contributions. If a paper is rejected, a writer should carefully read the comments of the reviewers. If those comments make sense, the writer may conclude that your paper has such serious flaws that it is not worth pursuing. The writer may also conclude that there are important

changes that are needed to make to make the paper publishable. However, the writer may also conclude that the reviewers did a bad job of reviewing and have little or nothing to offer that would result in improving the paper. If the latter, the paper should be resubmitted to another journal as quickly as possible.

Concluding Remarks about Professional Papers and Reports

This is the type of paper that would not ordinarily require a conclusion. The whole paper is really a statement of conclusions so that restating most of the points that have been made about how to write a paper would be redundant. However, the author does have a concluding observation that may be useful: The directions that have been presented here for writing a paper that would be publishable in a professional journal are very similar the steps that are required for writing a clear and effective narrative report in a consulting case. Sometimes experts load up their reports with pages and pages of cookie cutter material that appears in each and every report that they write. This is much less effective than a report that limits itself to the specific analysis that was made in the case at hand. A good narrative report explains what the writer's opinions are, what materials were provided, what research was done, and any limits to the accuracy of the writer's expressed opinions. "Filler" will not fool attorneys, the judge, or the jury. With reports, as with papers, good writing should be short, clear, and logically organized.

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