MEMO WRITING CHECKLIST

Legal Memos have a standard format, and should follow certain conventions. The following checklist is a basic guide to help you polish your Memo. Check issue specific Writing Center handouts (especially Proofreading) for a more in depth review.

I. Heading:
☐ Includes all parts (To, From, Date, Re)
☐ RE includes useful filing information

II. Question(s) Presented:
☐ Uses appropriate organization (*i.e.* Under/does/when or Whether or Does/when)
☐ Can be answered Yes or No
☐ Encompasses applicable law, legal issue(s), and critical facts
☐ Applicable law is drafted with appropriate specificity (*i.e.* broad vs. narrow)
☐ Presents the issues in an accurate and concise manner and is easy to understand
☐ Incorporates the most pertinent/significant/material facts
☐ Does not include legal conclusions
☐ Is objective

III. Brief Answer:
☐ Responds definitively to the question(s) presented – Yes or No
☐ Has a "because" clause
☐ States the legal rule(s)
☐ Briefly introduces critical facts that support the analysis
☐ Provides a summary that is neither conclusory nor overly detailed
☐ Includes minimal citations
☐ Is brief and easy to follow on first reading

IV. Facts:
☐ Logically organized (*i.e.* chronological, topical, or chronological/topical)
☐ Includes all determinative/legally relevant facts
☐ Includes all facts that are raised in the Discussion section
☐ Only includes necessary explanatory facts
☐ Objectively presents facts
☐ Avoids conclusory facts
☐ Presents facts in a succinct and accurate fashion

V. Discussion:

- ☐ Structure of the Discussion section is organized to ensure all elements of the statute or action are discussed
- ☐ Includes an umbrella/thesis paragraph:
    - ☐ Includes general rule that applies to all sub-sections
    - ☐ Includes background and policy if necessary
    - ☐ Includes limitations of memo if applicable
    - ☐ Includes a roadmap of discussion section
- ☐ Follows CREAC for each legal issue or sub-issue addressed:
    - ☐ Begins with a conclusion
        - ☐ Conclusion makes a clear prediction
        - ☐ Conclusion is consistent with the analysis
    - ☐ States the relevant legal rule or principle
        - ☐ Rule is accurately stated
        - ☐ Rule is supported with citations to authority
    - ☐ Explains the legal rule
        - ☐ Shows how the rule has been applied in other cases by examining facts, reasoning, policy, trends, and/or defines key terms
        - ☐ Organized around ideas, not a chronological discussion of cases
        - ☐ Uses appropriate authorities
        - ☐ Does not discuss facts of the client's case
    - ☐ Applies the legal rule to the client's case
        - ☐ Is objective and fully develops all the relevant arguments
        - ☐ Mirrors organization of the Explanation
        - ☐ Goes beyond simple restatement of facts and explicitly explains the relationship between the law and the facts
        - ☐ Case law is analogized, distinguished, and reconciled
        - ☐ Includes policy where relevant
        - ☐ Counter-arguments are identified and fairly addressed
    - ☐ Ends with a restatement of the conclusion
- ☐ Uses topic sentences to indicate paragraph content and situate the paragraph logically in the overall organization of the analysis
- ☐ Uses authorities accurately, without misleading readers or omitting important information

VII. Conclusion:

- ☐ Answers the Question Presented and summarizes the arguments and positions, stressing the most important points
- ☐ Tracks the organization and content of the discussion
- ☐ Does not introduce new ideas
- ☐ May recommend additional research, course of action, etc.

VII. General Editing:

- ☐ Citations (Bluebook)
  - ☐ Includes citations as necessary
  - ☐ Places citations appropriately
  - ☐ Uses full and short-form citations correctly
  - ☐ All citations have pincites
  - ☐ Uses signals correctly
  - ☐ Includes explanatory parentheticals when necessary
- ☐ Writing Style/Structure
  - ☐ Writing is simple, clear, powerful, and concise
  - ☐ Writing avoids first person
  - ☐ Uses active voice
  - ☐ Avoids excessive quotation
  - ☐ Headings express a complete thought and indicate content of text
  - ☐ No paragraph is a page or longer
  - ☐ Contains signaling transitions between points and paragraphs
  - ☐ Every sentence serves a purpose
- ☐ Logistics
  - ☐ Spell-checked and proofread (*See* Proofreading Checklist)
  - ☐ Pages are numbered
  - ☐ Within the page limit