



Memo Building

ELLA Headstart

June 15, 2017



Preparing a Memo

- Before you start, consider:
 - Who is your audience?
 - What is the purpose of this memo?
 - What is your structure?



Preparing - Audience

- Primary audience – other lawyers
- Other possible audiences – client, opposing counsel, internal memo database
- Consider needs and expectations of your audience



Preparing - Purpose

- Communicate legal analysis to audience
- Inform reader by presenting the results of legal research and analysis
- Detail objective predictive opinion



Preparing - Structure

1. Introduction
2. Facts and Assumptions
3. Research Restrictions/Limitations on Opinion
4. Issues
5. Brief Answers and Recommendations
6. Discussion and Analysis
7. Conclusion
8. Sources Consulted



Introduction

- Very brief
- Identify client
- Set out type of file or legal problem
- Specify what you have been asked to do



Facts and Assumptions

- Include detailed facts
 - Legally relevant facts
 - Background facts
 - Missing facts?
- Include reasonable assumptions you have made



Organizing Facts

- Options:
 - Chronologically
 - “Crux of the matter”
 - Topical
 - Perceptual



Research Restrictions/ Limitations on Opinion

- Rush basis?
- Research limited to a certain amount of time? Limited in scope? Limited to certain jurisdiction?
- Upcoming events that could change the facts?



Issues

- State in question form
- Use sub-issues if necessary
- Legal issues v. factual issues
- Organize by decreasing importance



Brief Answer

- Follow the order of issues
- Identify most likely outcome and why
- Recommend a course of action
- BE BRIEF – 2 or 3 paragraphs



Discussion and Analysis

- Three parts:
 1. Analyse law
 2. Synthesize law
 3. Apply law to facts
- Each issue separately
- Organization is critical



Discussion and Analysis - Analyse the Law

- Detailed discussion of relevant law
 - Legislation
 - Case law
 - Secondary sources fill in gaps
- Use LLB approach in choosing your cases – (Leading, latest, and best)
- Logical organization key



Discussion and Analysis- Synthesize the Law

- Look for common themes in your cases
- What is the collective meaning of the law?
- Develop a summary statement of the law.



Discussion and Analysis - Apply Law to Facts

- Apply the law to fact scenario
- Discuss different arguments (on both sides) that can be made
- Highlight analogous factors
- Discuss how to distinguish cases
- Highlight the givens/unknowns
- Predict the likely outcome



Conclusion

- Similar to Brief Answer – just longer
- Summarize governing principles of law
- Reach a conclusion for each issue and sub-issue
- Be concise: state in brief terms what you have determined in analysis
- Identify next steps



Sources Consulted

- Use your detailed research log
- Important: Record sources that you consulted but do not otherwise appear in the body of the memo!!



Tips

- 5 C's: Complete, correct, coherent, clear and comprehensible
- Use plain language
- Just start writing
- Edit, Edit, Edit, Edit

A row of white classical columns with fluted shafts, standing on a tiered base. The columns recede into the distance, creating a sense of depth. The lighting is soft, casting gentle shadows on the ground.

Questions?

**I'LL HAVE YOU KNOW, I FINISHED
MY FIRST LEGAL MEMO**



**AND I ONLY CRIED FOR AN
HOUR AND A HALF**

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