

MEMO TWO: A TIMELINE FOR SUCCESS

Facing their first open memo, many first year students are unsure where to begin and how to budget their time. This tip sheet is intended to help guide first-year students through their first unguided memo.

Week 1: Pre-Research

To-Do List:

- ▶ Read assigning memo and other attending documents. Make notes of important facts.
- ▶ Conduct background research on the statute, regulation, or other law that will be the legal foundation for your writing. For example, if the memo involves an Americans with Disabilities Act claim (“ADA”), familiarize yourself with the general thrust of the ADA and the types of claims that are available under the statute. Utilize secondary sources, including treatises and law review articles, to help you gain a basic understanding of the law at issue.

Weeks 2 - 3: Research

To-Do List:

- ▶ Spend some time researching cases on Westlaw/LexisNexis.
 - ▶ Use KeyCite/Shepard’s to ensure your research is good law and to find other cases.
 - ▶ Write down/look up recurring legal terms.
 - ▶ Focus on the PRIMARY holdings of cases. One tip: language from one case that is quoted/paraphrased in subsequent cases is often the key holding.
- ▶ Attend Westlaw/LexisNexis training sessions, if available. Utilize these opportunities to streamline your research techniques.

Troubleshooting Tips:

- ▶ Bring specific legal interpretation questions and/or research pitfalls to your LRW class. Use your Dean’s Fellow and Adjunct as a resource to better understand and narrow the legal issues for the memo.
- ▶ Focus on *controlling* authority. Remember that case law outside of your jurisdiction is only persuasive. For example, a 9th Circuit opinion directly on-point with your facts will likely never trump a 4th Circuit opinion laying out an established rule for the 4th Circuit.
- ▶ Students are often unsure as to when their legal research is complete. Although there is no sure way to tell your research is sufficient, as a general rule, when you begin to see the same cases over and over again, you have probably exhausted the universe of available material. Nevertheless, be aware of holes in your research as you proceed with the outlining and drafting phases.

Week 3: Outlining

To-Do List:

- ▶ If an outline – even in very rough form – is helpful to organize your research for the writing process, take advantage of this step so that your final memo will reflect the extra organizational effort.
- ▶ Consider meeting with a Writing Fellow to discuss your organizational plan and walk through your outline.

Weeks 3 - 5: Drafting

To-Do List:

- ▶ Stick to the TREAT format. The legal issues will be more complex this time around, so don't forget to follow the format you learned/practiced with Memo One.
- ▶ Synthesize and analogize. Re-read these sections of your LRW textbook for examples and practice.

Troubleshooting:

- ▶ Meet with a Writing Fellow after completing a draft for help with any remaining issues such as organization, TREAT, and rule synthesis.

Week 5: Proofreading/Revision

To-Do List:

- ▶ Re-read the Local Rules to ensure compliance with specific formatting requirements.
- ▶ Check and re-check your citations with The Bluebook.
- ▶ Exercise careful time management to leave yourself at least one day for polishing (although two or three days is probably preferable).

Troubleshooting:

- ▶ If you're having problems identifying errors in your paper, take some time away from it, then re-read it with fresh eyes.