

## OUTLINING YOUR MEMO

Because legal writing necessarily requires a logical and methodical approach, many legal writers find that they can benefit from constructing a preliminary outline. This tip sheet discusses the benefits of outlining and provides guidance on how to get the most benefit from your preliminary outline.

### Why Should I Outline?

Outlining can be a helpful legal writing tool. Since the LRW program teaches the “TREAT” format, outlining each section and subsection using TREAT can be extremely helpful in adjusting to the legal writing process. Moreover, outlining before you start writing may help you notice gaps in your research early in the writing process.

### How Should I Outline?

**(1)** If you believe that you will benefit by outlining, you should take a minute to decide how outlining will be most helpful to you. Outlining, like writing, is different for every writer. There is no “correct” way to outline. You may choose to outline your entire legal research and writing assignment, or only certain sections. For example, outlining an Analysis/Discussion section may be more helpful than outlining a Statement of Facts.

**(2)** Complete the necessary research on your topic. Once you have completed your research you can begin putting together an outline. However, even with your research near completion, you may notice gaps in your research once you begin outlining. Fill these gaps where necessary.

**(3)** Next, establish how detailed you want to make your outline. For some students, the more detailed the outline, the easier it is to write the memo. Other students find that outlining only the law and basic points is enough to get started. Again, the organization and depth of your outline depends on your own personal style. Outline in a way that is most helpful to you. See the chart at the end of this tip sheet for three sample outline styles.

### Other Outlining Tips

- ▶ Lay out your outline in memo format (i.e. include the same sections and subsections that will be in your memo).
- ▶ Format initial headings as questions to focus your inquiries. Change the headings to affirmative statements later.
- ▶ Take notes on leading cases and bullet the legally significant facts.
- ▶ Make a list of all the relevant rules from the case law and then synthesize into paragraph format.

Sample Outlining Styles



**Memo**

I. Thesis: Tunetaster will be held liable for breach of contract.

Lay out discussion section in umbrella paragraph.

A. Tunetaster could have reasonably foreseen the frustrating event.

B. The value of Tunetaster’s performance will be totally or nearly totally destroyed

**Memo**

I. Issue: Does P have an IIED claim?

A. What are the elements of an IIED claim? Have they been satisfied?

- 1. Has Element 1 been satisfied?
- 2. Element 2...
- 3. Element 3...
- 4. Element 4...

**Memo**

I. Thesis on the major issue.

**Rule:** List elements

A. Sub-thesis on Element A

**Rule:**

**Explanation:**

**Analysis:**

**Restate Thesis:**

B.Sub-thesis on Element B