

## 10: Legal Memos - Introduction

---

In the next several chapters, you will learn about drafting a legal research memorandum. The legal research memo is the culmination of your legal research and your legal synthesis. Drafting a legal memo involves some of the highest-level writing a legal practitioner may do. This is your chance to shine ... take the time to do it right.

### *Purpose of a Legal Research Memo*

Besides reporting the results of your legal research and demonstrating your analytical prowess, the primary purpose of the legal research memo is to provide a basis for making decisions relating to the reasons the client retained the attorney. Attorneys use legal research memos to make decisions regarding litigation strategies, offer legal advice to clients, and to ensure all necessary steps are taken to successfully complete the objective of the representation. Sometimes, the legal research memo may be used as the starting point for drafting a persuasive document such as an appellate brief, demand letter, or settlement offer.

### *Anatomy of a Legal Research Memo*

If you Google “how to write a legal research memorandum” (don’t do it!) you’ll end up with a lot of different methods, structures and components. Each professor or attorney has his/her own preferred way of writing a legal research memo. For this class, we will use a simplified format designed to help you express your full legal and factual analysis of the client’s question.

The legal research memo structure we will use in this class has 6 sections:

1. Memo heading
2. Introductory paragraph
3. Questions Presented
4. Answers
5. Facts
6. Discussion

Following is a brief description of each section.

### **Memo Heading**

The top of the legal memo should have a conspicuous statement that the memo is work product – privileged and confidential. This will prevent the memo from inadvertently being shared outside the law office. The rest of the heading states the name(s) of the person(s) to whom the memo is addressed (typically the supervising attorney), your name as the author, and the date the final draft of the memo is being provided to the recipient. The RE: (regarding) line is one of the most important parts of the heading component. It should include:

- The name of the file/client to which the memo is related
- The identification of the file, using the firm’s file numbering or other identification system
- The name and case number of the court action, if one has been filed
- A brief statement of the substantive legal question the memo addresses

Here is an example of a legal research memo heading.

WORK PRODUCT – PRIVILEGED AND CONFIDENTIAL  
LEGAL RESEARCH MEMORANDUM

TO: Attorney Bob Barrister

FROM: Polly Paralegal

DATE: April 1, 2009

RE: Analysis of Likelihood of Arson Conviction  
State v. Willy Wonka; Brown County Case No. 02-CF-1234  
Our File: CF-Wonka-2002/98

---

### Introductory Paragraph

This paragraph identifies the client's broad legal question and briefly summarizes the legal standards related to that question. It finishes with a brief description of how the questions raised in the legal standards will be answered in the memo, and a conclusion regarding the likely answer to the client's broad legal question.

### Question(s) Presented

Here we explain the specific legal questions we are answering in our memo. The Question Presented is a combination of the legal standard being applied to our client (for example, the statutory language) and the client's legally significant facts related to that legal standard (the facts or circumstances to which the statutory language or other legal standard is being applied). The best way to write it is as a question.

### Answer(s)

The Answer tells the reader how you think the Question Presented will be resolved. It starts with the basic answer ("yes," "no," "probably yes," or "probably no." Then, it provides a short explanation of the legal and factual analysis you provide in the Discussion section of the memo.

### Facts

This is the place to tell the story of the client's legal matter. The facts tell us what happened to the persons involved in the legal matter – the Who, What, When, Where, Why, and How that are the basis of the reason the client has retained the attorney.

### Discussion

This is the longest and most important section of the legal research memo. It is where you explain, in detail, your macro synthesis of all the legal authorities relating to each legal standard impacting the client.

### *The Memo Process – Suggested Steps for Drafting the Memo*

Like case briefing, writing a legal research memorandum is one of those experiences that “you get out of it what you put into it.” The more time you spend drafting and revising the memo, the better your understanding will be of your client’s situation and the legal standards impacting your client. Here are some recommended steps for drafting a legal research memo:

1. Carefully review all of your micro- and macro-synthesis that you’ve performed so far
2. Carefully review the client’s facts
3. Perform additional factual research, if necessary
4. Draft legal research memo heading
5. Draft the Statement of Facts
6. Draft Question Presented #1
7. Cross-check Question Presented #1 with the Statement of Facts; revise, if necessary
8. Draft Discussion Section #1
9. Cross check the content of Discussion Section #1 with the Statement of Facts and Question Presented #1; revise, if necessary
10. Repeat steps 5-8 for each additional legal standard to be addressed
11. Draft Answers for each Question Presented
12. Cross check content of each Answer with its Discussion section and the Statement of Facts; revise if necessary
13. Draft your Introductory Paragraph
14. Cross check the content of your Introductory Paragraph with your Questions Presented, Answers, and Discussion sections
15. Run spell-checker and dumb-checker; revise all parts as necessary

In the next several chapters, you’ll learn how to draft each section of a legal research memorandum. For your reference, [here is what the final memo will look like.](#)

---

10: Legal Memos - Introduction is shared under a [CC BY 4.0](#) license and was authored, remixed, and/or curated by Beth R. Pless, J.D. (Northeast Wisconsin Technical College).