

Legal Writing Tips

Some tips on getting started with legal writing and analysis.

Navigating this Blog

There are countless ways to style legal writing. In this blog, you will find various approaches to legal writing that I have found to be effective. Take it all with a grain of salt.

I hope some of this helps. Good luck!

Memo Outline

To:
From:
Date:
Re:

MEMORANDUM

Issue(s)

Brief single sentence issue statement, which appropriately defines the legal question addressed and includes a few relevant facts that go to answering that legal question.

Brief Answer(s)

Brief answer to your issue statement that begins with a "yes" or a "no" and follows with a succinct explanation of your basis for that answer, preferably including the facts that support your conclusion.

Facts

Succinct statement of facts that includes all facts that you analyze in your discussion section and any other facts necessary for relevance.

Discussion

Umbrella paragraph(s) outlining your discussion section, introducing the various topics you will address below (usually in the form of statements of the controlling legal rules that you analyze below).

I. **Subsection(s)** - Your heading should be a statement of your Conclusion to the first legal rule you are analyzing.

¶ Your first sentence of your analysis should clearly state the applicable Rule. Your second and possibly third sentence should provide and Explanation of the Rule, which serves as a road map to your reader by informing your reader of the topics that you are going to address in the remainder of your analysis section.

¶ Following your introductory paragraph comes your first analysis paragraph, which you should start with a topic sentence that mirrors the first topic that you listed in your Explanation of the Rule above. Following your topic sentence, you should analyze cases that discuss that topic, and you should then compare the facts of your cases to the holdings and facts of the cases that you discussed.

¶ You will likely have a number of analysis paragraphs, depending on the nature of your legal issue. If the legal issues are complex, you may choose to break up your analysis by subsections.

¶ Your final paragraph/sentence should succinctly repeat your Conclusion for this analysis section.

II. **Subsection(s)**

Repeat above.

III. **Subsection(s)**

Repeat above.

Contents

I. Writing Style

- a. General Tips
- b. Passive Voice
- c. Commas, etc.
- d. Pronouns

II. Memo Writing

- a. Introduction
 - b. Memo Outline
 - c. Issue Statement
 - d. Brief Answer
 - e. Facts
 - f. Discussion
 - ... Organizing your analysis
 - ... Umbrella Paragraph
 - ... Analysis Subsections (CREAC)
 - ... (1) Conclusion
 - ... (2) Rule
 - ... (3) Explanation of Rule
 - ... (4) Analysis
 - ... (5) Conclusion
 - g. Conclusion
 - h. Sample Memo
- ### III. Other
- a. Links
 - b. Legal Authority

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Michael Aleo

Northampton, MA, United States

Michael currently practices law at the offices of Lesser, Newman & Nasser, focusing primarily on employment, civil rights, and personal injury law. Michael previously practiced at the Lawyers' Committee for Civil Rights in Boston. He also taught legal writing and research at American University Washington College of Law, Golden Gate University School of Law, and New England Law (Boston).

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Conclusion

Sample Outline:

MEMORANDUM

Issue

Whether Linda Petersen, owner of Petersen Pilates, Inc. fitness center ("PPI") and developer of a unique personalized Pilates training method, has a claim against Alexandria Dimitri, a former PPI employee, for misappropriation of a trade secret resulting from Ms. Dimitri's unauthorized use of a similar training method at another fitness center.

Brief Answer

Yes, a court would most likely find that Ms. Petersen's personalized Pilates plan method could be a trade secret and Ms. Dimitri's use of this method at another fitness center could constitute misappropriation of that trade secret because Ms. Dimitri should have known that her acquisition of the method was improper and Ms. Dimitri used the method without Ms. Petersen's express or implied consent.

Facts

[[Include concise explanation of facts]]

Discussion

The validity of Ms. Petersen's claim for trade secret misappropriation depends upon whether (1) the PPI System could be a trade secret, (2) Ms. Dimitri should have known that her acquisition of the PPI System was through improper means, and (3) Ms. Dimitri used the PPI System without Ms. Petersen's consent. These issues are governed by the Colorado Uniform Trade Secrets Act ("CO UTSA"), C.R.S.A. § 7-74-102 (2009). Mineral Deposits Limited v. Zigan, 773 P.2d 606, 608 (Colo. App. 1989). Whether the PPI System is a trade secret and whether Ms. Dimitri's acquisition and use of the PPI System constituted misappropriation are questions of fact. Gold Messenger, Inc. v. McGuay, 937 P.2d 907, 911 (Colo. App. 1997); Powell Products, Inc. v. Marks, 948 F. Supp. 1469, 1482 (D. Colo. 1996).

I. A court would likely find that Petersen's PPI System constitutes a trade secret.

a. Ms. Petersen's PPI System was not known outside of her business.

[[Analysis in the form of CREAC]]

b. Ms. Petersen's employees did not know how the PPI System operated.

[[Analysis in the form of CREAC]]

c. Ms. Petersen took adequate measures to protect the trade secret.

[[Analysis in the form of CREAC]]

II. Ms. Dimitri should have known that she improperly acquired the PPI System.

[[Analysis in the form of CREAC]]

III. Ms. Dimitri used the PPI System without Ms. Petersen's consent.

[[Analysis in the form of CREAC]]

Conclusion

Ms. Petersen should succeed with her misappropriation of trade secret claim against Ms. Dimitri because (1) Ms. Petersen's PPI System is likely a trade secret, (2) Ms. Dimitri acquired Ms.

Petersen's PPI System through improper means, and (3) Ms. Dimitri used the PPI System without Ms. Petersen's consent.



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[Home](#)

[Older Post](#)

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