

## *Chapter Four*

### *Writing a Legal Document: The Legal Memorandum*

#### *I. Introduction*

In the previous chapters we have discussed how to analyze and apply legal authority. We have also discussed how to write a case brief, which law students usually write for their own use. Most legal writing, however, is done to communicate with others. As a first-year law student, you will receive legal problems and will be asked to analyze the problem and write up the results of that analysis. The typical vehicle that lawyers use to do this is the legal memorandum. When you write a memorandum, you will make use of the several analytical skills you have been developing. This chapter explains the form and content of a legal memorandum. The next chapters go into more detail about how to write a legal analysis within a memorandum.

#### *A. Purpose of a Memorandum*

A legal memorandum is a document written to convey information within a law firm or other organization. It is a written analysis of a legal problem. The memorandum is usually prepared by a junior attorney or by a law clerk for a more senior attorney early in the firm's handling of a legal dispute. The writer analyzes the legal principles that govern the issues raised by that problem and applies those principles to the facts of the case. The attorneys will then use the memo to understand the

issues that the case raises, to advise the client, and to prepare later documents for the case.

The memorandum should be an objective, exploratory document. It is a discussion in which you explore the problem, evaluate the strengths and weaknesses of each party's arguments, and reach a conclusion based on that analysis. It is not an advocacy paper in which you argue only for your client's side of the case. The memorandum should be persuasive only in the sense that you convince your reader that your analysis of the problem is correct.

### *B. Audience*

When you write a memorandum, you should be aware of your reading audience and its needs and expectations. The hypothetical audience for a student memorandum assignment is usually an attorney who is not a specialist in the field. Most attorneys for whom you write will be very busy and will have certain expectations that you must fulfill. For example, they will expect to receive a core of information about the controlling law and its application to the facts of the problem, but will not expect to be given a lesson in fundamental legal procedure. Because the reader is an attorney, you will not have to explain the legal process steps of the sort that you have been learning the first weeks of law school. You need not explain, for example, "This case is from the highest court of this state and so is binding in this dispute." You may wish to give this information to a lay reader, but a lawyer knows that a case decided by the jurisdiction's highest court is binding. On the other hand, the lawyer probably does not know the facts, holding, and reasoning of that case and does expect that you will supply that information.

### *C. Writing Techniques*

Your reader will also have expectations about how the memorandum should be written. The legal profession is dependent on language. However unfamiliar you are with legal analysis and its presentation in a professional document, you are still writing English and you should continue to follow the principles of good written English. The general characteristics of good writing need to be cultivated because legal analysis can be complicated and involve difficult ideas. In order to communicate these ideas clearly to your reader, you must have a firm control over language. Chapter Eight, Effective Paragraphs, and Appendix A explain the principles for clear writing.

The memorandum is a formal document in that it is a professional piece of writing. Thus, you should use standard written



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English and avoid slang, other kinds of informal speech, and overuse of contractions. For example, you should not write, "for starters, we have to decide if John Doe's parents are immune from suit." Say instead, "the first issue is whether John Doe's parents are immune from suit." On the other hand, you should not be pompous and stuffy. Use simple, direct words and sentence structures. You do not have to say, "One can conjure multiple scenarios for fulfillment of these objectives." Say instead, "The agency can fulfill its goals in several ways." In addition, you should not write a sentence like "In applying the above precedent, it is clear that the lack of action by the school implies that the incident was not considered to be unlawful." Just say "The school's lack of action implies that school officials did not consider the incident unlawful." Since the revised sentence is of reasonable length and contains no empty phrases, it is easier to understand. Moreover, since the sentence is written in the active voice, there is no ambiguity about who considered the incident lawful.

Another aspect of presenting yourself as a legal professional is that you are writing as the client's attorney. Many students forget that role, and, for example, may write, "John Doe's attorney moved for a continuance." Remember that you are John Doe's attorney, or part of a team of attorneys, and instead should write, "we filed for a continuance." You should not, however, inject yourself into your legal analysis. The purpose of the memorandum, and of many other legal documents, is to analyze the law and facts. You want to communicate that analysis persuasively and convincingly, not present it as your opinion only. For example, you should say "in Doe v. Doe the court held . . .," not "I believe [or I think] that in Doe v. Doe the court held. . . ."

One problem of legal writing that deserves particular attention is the problem of legalese. Lawyers frequently are criticized for using archaic terms and incomprehensible sentence constructions in legal documents. This criticism is especially aimed at the form documents that many attorneys use. An example is a form that begins "whereas the part of the first part," and uses expressions like "herein" and "hereinbefore." This type of legalese usually does not afflict law students, and we hope it will not afflict you. In the end, you will sound more professional and more in control if you use a vocabulary and syntax with which you feel comfortable.

Some legal terms are substantive, however, and you should use them. For example, you should use the operative language of a statute or of a judge's formulation of a rule when that language controls the analysis of a problem on which you are working. Although that language may not strike you as admirable, it supplies the general principle of law to which you must give

meaning. Your reader should be told what that language is and will expect you to repeat those operative terms.

Your language should also be responsive to your audience. You will be writing for several different audiences during your legal career and you will have to adjust your prose accordingly. Not all of your readers will be lawyers. For example, often you will write to your clients, to administrative personnel, and to other government officeholders. Although you should write accurately about the law, you should also explain your message in good written English, using terms that a non-lawyer can understand. When you write to lawyers, you should also use good written English, although you may use legal terms without as much explanation. Keep in mind that each audience has a different need, but that all audiences need and appreciate good writing.

Nonetheless, if as a law student you face the particular challenge of navigating between legalese and terms of art, in most respects, legal writing requires only what any thoughtfully written paper requires. As long as your prose adheres to the rules of standard written English and composition and respects legal terms, you will fulfill your reader's expectations for memorandum style.

## *II. Format*

Most office memoranda are divided into sections that are assembled in a logical order. You do not need to write the memorandum in the order you assemble it, however. Instead, you may first want to write tentative formulations of certain sections (such as the Question Presented) and then rewrite those sections when you have a final draft of the part of the memo that is pivotal to your writing process, usually the Discussion. After that pivotal section is written, you should rewrite the sections you wrote earlier to ensure they are in accordance with the finished section. This type of writing process requires drafts and revisions before you reach your final copy.

There is no required format that all lawyers use or that all law schools use for a legal memorandum. Most memoranda, however, are divided into from three to six sections, each of which performs a particular function within the memo and conveys a necessary core of information: the Statement of Facts, the Question Presented, the Short Answer or Conclusion, the Applicable Statutes, the Discussion, and perhaps a final Conclusion. Under some formats, the Question Presented may come before the Statement of Facts.

The memorandum usually begins with a heading with the following information:



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Then the body of the memo is divided into the sections described below.

### A. *Statement of Facts*

Because the heart of legal analysis is in applying the law to the facts, the facts of the problem can be the most important determinant of the outcome of a case. Each case begins because something happened to someone or to some thing. The Statement of Facts introduces the legal problem by telling what happened.

The purpose of this section is to state the facts and narrate what happened. Therefore, use only facts in this section; do not give conclusions, legal principles, or citations to authorities. This section should include all legally relevant facts, all facts that you mention in the other sections of the memo, and any other facts that give necessary background information. If the problem for your memo is already in litigation, you should include its procedural history.

Facts are relevant or irrelevant in relation to the legal principles at issue. In order to know which facts are relevant, you will need to know what the issue in the problem is. If the issue is whether the client committed a crime, then you must know the elements of that crime. The relevant facts are those that are used to prove or disprove those elements.

Do not omit facts that are unfavorable to your client. The attorney for whom you are writing the memo may rely on the Statement of Facts for negotiations with other attorneys and to prepare other documents for the case. Without the complete facts, the attorney for whom you are writing will be surprised and unprepared while handling the case.

Be careful to use objective language. The facts should not be slanted, subtly or not so subtly, toward either party. Sentence one of each of the following sets describes facts using partisan language inappropriate for a memorandum. Sentence two of each set uses language more appropriate for a memorandum.

1. John Smith endured three hours of his family's presence.
2. John Smith remained with his family for three hours.

1. Because Ms. Jones deserted her husband, he was left the unenviable task of raising three children.

2. Mr. Jones has raised his three children by himself.

Whether you are given the facts with your assignment or you gather them yourself, you should sort them out and organize them rather than repeat them as the information came to you. Put the crucial information first. Generally, in the first paragraph, you should tell who your client is and what your client wants. By doing so, you provide a framework for the problem. The reader then can more easily evaluate the rest of the facts within that framework. For example, compare these two paragraphs, each of which was written as the first paragraph of a Statement of Facts for the same problem.

1. John Davis is a high school graduate who has been unable to keep a job. He first worked as a machinist's apprentice, but after two years he was asked to leave. Since then he has worked at various trades, including carpentry and plumbing, in retail stores, and at McDonald's. None of these jobs lasted more than a year.

2. Our client, William Mathews, has been sued by John Davis for fraud. The charge stems from statements that Mathews made to Davis in the course of a stock investment proposal.

Example 2 is better because it tells the reader the context of the problem. The reader of the first paragraph does not know what the problem is about. Is it an employment contract case? An unemployment compensation application problem? The reader of the second example knows that she should read the rest of the facts with an eye toward a fraud suit.

Use the rest of this section to develop the facts. Explain who the parties are and give any other descriptions that are necessary. Always group like facts together. For example, if your memo topic is a false imprisonment topic about a person confined in a room, you may want to present in one paragraph or series of paragraphs all the facts that describe the physical appearance of the room.

For many of the assignments you receive, the best and easiest way to develop the events is chronologically, that is, in the order in which the events occurred. For some problems, however, a topical organization in which you structure the facts in terms of the elements you need to establish or by the parties involved, if there are many parties, may work better. Make sure that you include what relief your client wants, or what you have been asked to analyze in the memo. This information often provides a natural ending to the section.

#### Exercise 4-A

Which Statement of Facts about the Wheeler case described in Chapter Two is best? Why?



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1. Mr. Fred Wheeler is a prisoner in the federal prison in Danbury, Connecticut. Wheeler was convicted of bank robbery in Arkansas, which was his domicile at the time of the robbery. He has asked us to sue his attorney in that case for malpractice. The attorney, Donald Lindhorst, is a domiciliary of Arkansas. We would like to sue in the United States District Court if we can establish diversity jurisdiction.

Wheeler is in the second year of a five-to-seven year prison term. His wife and son moved to Danbury four months ago, and his wife is now working here. His son is enrolled in the Danbury public school. Mrs. Wheeler has registered to vote in Danbury and has opened an account at a bank there. The Wheelers have no financial interests in Arkansas. His wife's sister, who is her only family member still alive, lives in nearby Bethel, Connecticut. Wheeler's brother-in-law has offered Wheeler a job there after Wheeler's release from prison. Wheeler has said he will not return to Arkansas, and that he wants to "start fresh in Connecticut."

This memo analyzes whether Wheeler is a citizen of Connecticut for purposes of federal diversity jurisdiction.

2. Donald Lindhorst is a lawyer in Little Rock who unsuccessfully defended Fred Wheeler against a bank robbery charge in Arkansas. Wheeler is now in federal prison here in Danbury and wants to sue Lindhorst for malpractice. Wheeler has called Lindhorst a "rotten lawyer" and "a crook," who was only interested in getting his legal fee from him.

Wheeler is serving his second year of a five-to-seven year prison term. He hates the prison because of the food and lack of recreational facilities. His wife has moved to Danbury with their son and visits him often. Wheeler wants to remain in Connecticut when he gets out of prison and take a job offered him by his brother-in-law in nearby Bethel. His wife is working in Danbury and his child is in school here.

Lindhorst had been recommended to Wheeler by a mutual friend in Arkansas, and now Wheeler is sorry he hired him. He says that Lindhorst spoke to him only once, and did not interview any witnesses before the trial. He has asked us to handle his malpractice case. We would like to sue in the United States District Court in Hartford if we can establish diversity jurisdiction.

3. On March 4, 1986, Fred Wheeler was convicted of bank robbery in the federal district court in Arkansas. At his sentencing hearing in May 1986, he was sentenced to a five-to-seven year term in federal prison in Danbury, Connecticut. Wheeler was represented by a Mr. Donald Lindhorst, an Arkansas attorney, in the bank robbery case.

Wheeler now wants to sue Lindhorst for malpractice, and wrote us on March 10, 1988, asking us to represent him in this suit. We want to sue in the federal district court in Hartford. When I interviewed him last month, Wheeler told me that he does not intend to return to Arkansas and wants "to start fresh in Connecticut."

Mrs. Wheeler moved to Danbury in January, 1987. That month she enrolled their son in the public school and opened a bank account. In February, she started work in Danbury, and has remained with that job.

Mrs. Wheeler visits her husband frequently. Her brother-in-law has offered Wheeler a job in Connecticut when he gets out of prison.

### ***B. Question Presented***

The most important inquiry for the memo writer, as it is in other legal inquiries, is "what is the legal issue in this problem?" The Question Presented is a sentence that poses the precise legal issue in dispute and upon which the problem turns. The Question Presented should be written to include the legal principle that controls the cause of action and the key facts that raise the issue. You can write the Question Presented either in the form of a question as in sentence one below, or as a statement beginning with the word "whether," as in sentence two. Issues written as questions usually begin with a word such as "does" or "is."

1. Does a prisoner's domicile change to that of the state in which he is incarcerated for purposes of satisfying federal diversity jurisdiction?
2. Whether a prisoner's domicile changes to that of the state in which he is incarcerated for purposes of satisfying federal diversity jurisdiction.

There are two ways to formulate the questions for a memorandum. The first, and easier way, is to be very specific to the problem and identify people by name and identify events by reference to them. This type of question works if the reader already knows the facts of the problem. For example, suppose you have a contract problem and the fact statement includes the facts that Mr. Smith is mentally incompetent and Mr. Jones is Smith's guardian. If the issue is written as "is the contract between Mr. Smith and Mr. Jones valid?" the reader who has read the facts will probably understand that the problem in the case is whether a contract between a mentally incompetent person and his guardian is valid. Many law firms require only this type of specific identification in the Question Presented of a memorandum. If you write a very specific question, the important things are to be sure that the reader knows the facts already and that you identify the issue correctly.

The other way of formulating issues is to write them so that they can be understood by a reader who does not know the facts of the problem. It is usually necessary to write the Question this way if the Question Presented precedes the Statement of Facts. An issue written this way does not name people or events specifically because the reader does not know who or what they are. Instead, the issue must be written more generally by describing the relevant characteristics or relationships of people and events. This type of question is written to apply to anyone in the position of the person described in the question. For example, the contract



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question would be written, "Is a contract between a mentally incompetent adult and his guardian valid?" This question does not name the parties to the contract but describes their relationship and the relevant characteristics that raise the contract issue. It is a good idea to identify people by relationships appropriate to the cause of action. For an adverse possession problem, for example, you could identify the parties as a "possessor of land" and a "title holder."

If you are asked to use this form of Question Presented, you may find it helpful at first when you begin research for the problem to isolate the issue in specific terms (Is the Smith-Jones contract valid?), but then after you begin writing the memorandum, you should rewrite that specific question into more general terms.

Typically, the question should identify the cause of action, either a common law cause of action or the statutory or constitutional provision that the plaintiff is suing under, the key relevant facts, and the people involved described in general terms.

If the problem contains more than one issue, such as an assault and a battery, then set each out as a separately numbered question. If the problem has one issue, but two or more sub-issues, you may consider using an inclusive introduction and then sub-parts. For example, the issue in a false imprisonment problem could be written:

Does a restaurant owner falsely imprison his customer when he accuses her of not paying her check and

- a. takes her pocketbook containing her wallet and checkbook until he verifies payment, and
- b. the customer is not aware that he has her pocketbook?

A wills issue could be written:

Is a handwritten will valid under the Oz Wills Acts if

- a. the will is dated with the month and year but not the day, and
- b. the will is written on stationery that contains a printed letterhead?

Consider these other suggestions for a good Question Presented written in the general form.

1. Isolate the specific issue. The issue should not be so broadly stated as to encompass many possible issues under the cause of action. For example, "Was Carey denied due process?" is a poorly conceived question because due process refers to many different legal issues and the question does not specify the relevant one. A question that adequately isolates the issue is, "Is a

juvenile denied due process because he is not represented by counsel at a delinquency hearing?"

2. **Do not make conclusions.** The Question should pose the inquiry of the memorandum, not answer it. You will avoid making conclusions if you use facts and legal principles. For example, if the case law in a jurisdiction establishes that a person can be guilty of criminal contempt if he disobeys a court order intentionally or recklessly, the following question contains a conclusion: "Is a person guilty of criminal contempt if he recklessly does not read a court order and disobeys it?" By concluding that the defendant acted recklessly, the writer has concluded that the defendant is guilty. The writer should have asked whether the defendant is guilty under these facts, as in the question, "Is a person guilty of criminal contempt if he disobeys a court order because he did not listen to or read the order?"

3. **Keep the question to a readable length.** You should not include all the relevant facts in the question, just the key ones that raise the issue. The following question includes too many facts: "Is a person guilty of criminal contempt if he disobeys a court order that he never read because he left the country for several weeks, his attorney's letter was lost while he was gone, his seven-year-old daughter forgot to write down the telephone messages she took, and his cat shredded the messages from his wife?"

4. If the question does become complicated, keep it readable by moving from the general to the specific. One way of doing that is to first identify the cause of action and then move toward the specific facts, as in these examples.

1. Did a person commit theft of lost or mislaid property when he pocketed a locket that he had found on a baseball field just after the conclusion of a YWCA team practice, and that locket was stolen from him as he walked away from the field?

2. Whether a prisoner's domicile changes for purposes of federal diversity jurisdiction when he is incarcerated in another state, the prisoner's family moves to the state of incarceration, and the prisoner has secured employment there upon his release from the penitentiary.

### ***C. The Short Answer or Conclusion***

The function of this section is to answer the Question Presented and to summarize the reasons for that answer. This section can be written in either of two ways. One way is to write a short answer of one or two sentences, such as "Yes, a juvenile is denied due process if he is not represented at a delinquency hearing. Due process does not require that the juvenile be represented by



an attorney, however." To write this form of Answer, you answer the Question Presented and add a sentence that summarizes the reason for your conclusion or adds a necessary qualification to the answer. Some lawyers write only one or two sentence answers to the Question. For your assignments, the Short Answer is generally more appropriate for a short memorandum, such as one of three or four pages.

The alternative form is a section, here called a Conclusion rather than a Short Answer, that answers the Question and then summarizes the reasons for that answer from the Discussion section of the memo. A Conclusion should be longer than the Short Answer, but it still should be a summary only, and it should answer the Question. Depending upon the complexity of the problem and the length of the memorandum, the Conclusion may be one or two paragraphs or, for a long memorandum, it may require a few paragraphs. You should have a Short Answer or Conclusion for each Question Presented and number each to correspond to the number of the Question it answers.

The following are suggestions for writing this section.

1. **Be conclusory.** A Short Answer or Conclusion should be an assertion of your answer to the issue you have posed. But it is not a discussion of how you evaluated strengths and weaknesses of alternate arguments in order to reach that conclusion. That evaluation and a full discussion of your reasons for the conclusion belong in the Discussion. Which of these examples is conclusory?

1. Jones was falsely imprisoned because he reasonably believed that he was confined by Smith's dog. Jones's belief was reasonable because the dog growled at him and Jones knew that the dog had bitten other people in the past.

2. Jones may have been falsely imprisoned depending upon whether he reasonably believed that Smith's dog would bite him if he moved. Several facts show that Jones could have reasonably believed he was in danger because the dog had bitten other people before. But some facts do not. For instance, the dog had been sent to obedience school after those incidents. The issue depends on the importance of these latter facts.

Example one is conclusory. The writer has reached an answer to the Question Presented. The writer of example two is discussing and weighing alternate arguments.

2. **Do not include discussions of authority.** Although your answer to the question will necessarily come from your analysis of the relevant primary and secondary authorities, your discussion of those authorities belongs in the Discussion section. In the Conclusion or Short Answer, you need not include case names or citations to authorities you rely on.

Which of the following examples is better?

1. The Popes adversely possessed the strip of land between their lot and Smith's. Although they occupied the land mistakenly believing it was theirs, their mistaken possession should be considered hostile as to Smith's ownership.
2. Whether the Popes adversely possessed the strip of land between their lot and Smith's if they mistakenly believed that the strip is theirs depends upon whether the Oz court relies upon old decisions that a claimant's mistaken possession cannot be hostile to the title holder. Several courts in other jurisdictions recently have decided that a person who possesses land mistakenly thinking it is his own can still possess the land hostilely to the true owner. The Oz court has strongly indicated that it may adopt those rulings.

Example two is a discussion of authority but not a conclusion about the adverse possession problem. Example one is an answer to the problem.

One exception to this rule arises when the problem is a statutory issue, in which case you should refer to the statute and include the essential information about the statutory requirements.

Smith did not violate the Theft of Lost or Mislaid Property Act, 12 Oz Rev. Stat. § 2 (1960). The statute applies only if a person "obtains control over lost or mislaid property." Because Lyons robbed Smith of the locket almost immediately after Smith found it, Smith never obtained control over the property.

Another exception occurs if one case is so crucial to deciding the issue that it controls the analysis and cannot be omitted.

The defendant attorney should be liable for malpractice even if the plaintiff is not in privity of contract with him. The Oz Supreme Court has held that a notary public who practiced law without a license by writing a decedent's will was liable to the decedent's beneficiary for his negligence. *Copper v. Brass*, 10 Oz 200 (1965). This decision should apply to attorneys as well as to notary publics. If so, the defendant will be liable to Jones for negligently drafting the Jones will.

#### Exercise 4-B

Evaluate the following pairs of Question Presented and Conclusion. Which pair is best? Why? What is wrong with the others?

1. **QP:** Whether an attorney should have been convicted of criminal contempt of court for negligently failing to appear at a scheduled trial and not representing his client if he was told the date, had cases in other courts that same day, and had already failed to appear in court once before.



**Conclusion:** The attorney should not have been convicted. Applying the precedents to this case, his failure to record the trial date and his failure to appear will not be criminal contempt.

2. **QP:** What shall determine if an attorney's failure to appear in court for his client's trial constitutes criminal contempt?

**Conclusion:** In Oz, whether an attorney is in criminal contempt for failure to appear at trial depends on the attorney's intent. If the attorney shows that the failure to appear was not willful disregard of duty, then there is no contempt. Mr. Toto should be able to show that.

3. **QP:** Is an attorney who does not appear in court for his client's trial guilty of criminal contempt if he was notified of the trial date but did not record it, and on the day of the trial, had the case file in his briefcase along with files of cases for which he did appear?

**Conclusion:** The attorney should not be held guilty of criminal contempt. In Oz, the attorney's failure to appear must have been willful, deliberate, or reckless. Mr. Toto did not act with the intent required. Instead, he inadvertently did not appear in court because he forgot to write down the court date and never took the case file from his briefcase in the rush of his other court appearances.

4. **QP:** Does an attorney who fails to appear at his client's trial commit criminal contempt of court under Oz law?

**Conclusion:** In Oz, an attorney is in criminal contempt of court if he acts willfully, deliberately, or recklessly in disregarding a court order. The court will have to decide. If the court can be persuaded that Mr. Toto did not so act when he did not appear for his client's trial, then Toto will not be in contempt.

## D. Applicable Statutes

If your problem involves the application of a statute, a section of a constitution, or an administrative regulation, set out the exact language of the pertinent parts in block quote form. Include the citation.

A block quote is indented, single spaced, and does not include quotation marks.

## E. Discussion

Up to this point, the memorandum contains the facts of your problem, poses the specific legal question that those facts raise, briefly answers that question, and sets out the relevant enacted law. In the Discussion, you will analyze the question by applying the relevant legal principles and their policies to the facts of the case. The process of analyzing is a process of breaking down a subject into its component parts. To analyze a legal subject, you break it down into its issues and then break each issue down into subissues. You give content to the abstract legal principles you have found by examining the facts of the cases from which the

principles came and in which the statutes were applied. You also examine the reasons for the principles. Only then can you determine what those principles mean. The purpose of this inquiry is to reach a conclusion and predict the outcome of the problem, that is, to determine whether the requirements for that claim are satisfied by the facts of your problem. This analysis provides the reasons for your conclusion about the outcome.

Because a memorandum is used to advise a client or prepare for further steps in litigation, the reader is looking in this section for a thorough analysis of the present state of the law. Thus, the Discussion should not be a historical narrative of the relevant case law and statutes or a general discussion of that area of the law. Instead, you should discuss the law specifically as it controls your problem.

The Discussion provides an objective evaluation of the issues. Thus, you should evaluate all the interpretations possible from applying the law to the facts, not just the interpretations that favor your client. Analyze as many arguments for your client that you can think of, but also analyze those arguments against your client. In addition, evaluate which ones are most persuasive. Do not predict an unrealistic outcome only because that outcome favors your client. If you will need more facts than you have been given in order to reach a conclusion, then explain which facts you need and why they are relevant.

A legal discussion is written according to certain patterns of analysis. The next two chapters explain in detail how to identify the issues in a cause of action and how to write a legal discussion.

## ***F. Conclusion***

In some formats, where the memorandum includes a Short Answer of one or two sentences after the Question Presented, the memorandum ends with a Conclusion section that summarizes the Discussion. We have explained this type of Conclusion in Part C above.