



CHECKLIST FOR THE MEMORANDUM*
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I. UNDERSTANDING THE ASSIGNMENT¹

A. Purpose:

- ☐ Did you objectively inform the reader (to advise on options or to summarize legal risks, not to argue a case)?²
- ☐ Did you explain the law so the reader can make an informed decision?³
- ☐ Did you predict the outcome of a legal question based on the facts?⁴

B. Audience:

- ☐ Is the memo geared toward the primary audience? (e.g., colleagues, co-counsel, or the client)?⁵

C. Stance:

- ☐ Is the memo consistent with the objective stance of the document?
- ☐ Have you engaged with both strengths and weaknesses of the analysis?

D. Scope:

- ☐ Is the memo limited to the proposed question, governing jurisdiction, and assignment parameters?

E. Research:⁶

- ☐ Do you know all the relevant facts?⁷
- ☐ Have you read the relevant client documents?
- ☐ Have you identified the jurisdiction and applicable law?⁸
- ☐ Have you gathered the legal authorities necessary for the memorandum? Have you synthesized them?

* Created by Alexandra Kotter (2026).

¹ For an overview of a legal memorandum *see* KRISTEN KONRAD TISCIONE, LEGAL WRITING—FROM ADVICE TO ADVOCACY, A CONTEMPORARY APPROACH 249–62 (2021); *see also*, SONYA G. BONNEAU & SUSAN A. MCMAHON, LEGAL WRITING IN CONTEXT 99–108 (2017). This handout addresses a predictive office memorandum and does not address other documents, such as a Memorandum of Law, that may be filed in support of motions.

² *See* BONNEAU & MCMAHON, *supra* note 1, at 99.

³ *See id.*

⁴ *See* TISCIONE, *supra* note 1, at 245–47.

⁵ *See* BONNEAU & MCMAHON, *supra* note 1, at 85.

⁶ For tips on drafting a question to guide your legal research, planning your research, and conducting your research *see* TISCIONE *supra* note 1, at 154–80.

⁷ *See* TISCIONE *supra* note 1, at 154–58.

⁸ *See* TISCIONE *supra* note 1, at 155–56.

- ☐ Have you identified which legal authorities are likely most persuasive?⁹

II. STRUCTURE OF A MEMORANDUM¹⁰

- ☐ Heading:
 - ☐ Is it labeled as a memorandum?
 - ☐ Does it include To, From, Date, and Subject?
- ☐ Question Presented:
 - ☐ Is it an objective statement of the legal questions to be answered?
 - ☐ Is the jurisdiction and/or applicable law stated?
 - ☐ Is the specific legal question posed?
 - ☐ Are the most legally significant facts included?

Tip: If your question presented is longer than three or four lines or so long that when reading it aloud you cannot take a breath, this is a sign that it should be condensed.¹¹

- ☐ Brief Answer:
 - ☐ Did you provide a concise answer to the question presented?
 - ☐ Have you included a brief explanation of the legal basis for the answer without formal citations or quotations?
 - ☐ Have you briefly outlined the analysis found within the Discussion section, while only including the most relevant facts on which the analysis turns?¹²
- ☐ Statement of the Facts:
 - ☐ Did you include an objective and complete description of the legally significant facts relevant to the question presented?
 - ☐ Are the facts mentioned in your analysis listed in the statement of the facts?
 - ☐ Are there facts in your statement of facts that are not addressed in your analysis? (If so, consider whether the facts are necessary background facts, emotionally significant facts, facts that should have been addressed in your analysis, or irrelevant facts that should be deleted).
 - ☐ Have you ensured that you do not have any legal conclusions masquerading as facts?
 - ☐ Did you include the procedural history? (If applicable).
- ☐ Discussion:
 - ☐ Did you provide a roadmap?
 - ☐ Did you use headings and sub-headings to break down the legal issues where

⁹ See TISCIONE *supra* note 1, at 156–57.

¹⁰ For more information on legal memorandums and their typical format see TISCIONE *supra* note 1, at 250–53; see also, BONNEAU & MCMAHON, *supra* note 1, at 99–109.

¹¹ See TISCIONE *supra* note 1, at 275.

¹² See BONNEAU & MCMAHON, *supra* note 1, at 103.

appropriate?

- ☐ Did you objectively answer the question presented?
- ☐ Did you synthesize the rules of law?
- ☐ Did you apply your synthesized rules to the facts using legal reasoning?
- ☐ Did you cite to all binding legal authority?
- ☐ Did you evaluate both sides and predict an outcome?
- ☐ Conclusion:
 - ☐ Did you include a summary of your findings?
 - ☐ Is the length of your conclusion intentional? (Conclusions can be one sentence or quite thorough, depending on the length of your brief answer).

Note: Not all memos must contain every single one of the above sections. For example, the facts may already be known to the reader or may be adequately conveyed within the analysis. Similarly, some memos may omit a conclusion in favor of a more fully developed brief answer, or vice versa.

III. CONTENT AND ANALYSIS

- ☐ Is the law itself stated or accurately paraphrased?
- ☐ Have you identified the relevant legal framework/test?
 - ☐ If the law is an elements test, are the elements clearly stated? Have you identified if its conjunctive (i.e., all elements must be met) or disjunctive (i.e., only one may need to be met)?¹³
 - ☐ If the law is a factor test, are the factors clearly stated and properly prioritized and/or is the relative importance of each factor explained?¹⁴
 - ☐ If the law is a totality of the circumstances test, have the interests and the weight the court gives to each interest been identified?¹⁵
 - ☐ If the law involves multiple standards, exceptions, or procedural steps, are those clearly explained?¹⁶
- ☐ Are counterarguments fairly addressed?¹⁷
- ☐ Is a recommendation, prediction, or conclusion made while still acknowledging the weaknesses of your own case?¹⁸

IV. ORGANIZATION¹⁹

- ☐ Does the structure follow a logical and recognizable format?²⁰

¹³ See *id.* at 36–37.

¹⁴ See *id.* at 37–38.

¹⁵ See *id.* at 39–40.

¹⁶ See *id.* at 40–43.

¹⁷ *Id.* at 107.

¹⁸ *Id.* at 107.

¹⁹ For examples and additional information on effective large and small-scale organization see KRISTEN KONRAD TISCIONE, LEGAL WRITING—FROM ADVICE TO ADVOCACY, A CONTEMPORARY APPROACH 263–74 (2021).

²⁰ See *id.* at 264.

- ☐ Is the large-scale organization of the Discussion section consistent with the structure set out in the roadmap?²¹
- ☐ Within the Discussion, can you identify a consistent small-scale organizing schema? That is, can you discern an analytical paradigm that is followed in your discussion of each issue, element or factor? Is each sub-issue such as each element or factor analyzed separately?²²
- ☐ Do topic sentences of each paragraph guide the reader through the document?²³
- ☐ Are paragraphs a reasonable length? (If a paragraph takes up most of a page, it is likely too long).²⁴
- ☐ Does each phase of your analysis begin with a “mini-introduction” and end with a “mini-conclusion”?
- ☐ Does the organization logically lead to your recommendation, prediction, or conclusion?
- ☐ Can your audience easily follow the analysis?

V. WRITING AND STYLE²⁵

- ☐ Is the tone appropriate for your audience? Is the tone neutral?²⁶
- ☐ Is the writing clear and concise?²⁷
- ☐ Is sentence length varied to create readable rhythm? Have complicated sentence structures been avoided?²⁸
- ☐ Is unnecessary legalese avoided?²⁹
- ☐ Are terms of art explained and used accurately?

VI. PROFESSIONALISM³⁰

- ☐ Do you know the due date, and do you have a plan to ensure timely submission?³¹
- ☐ Have you proofread for grammar, spelling, and punctuation errors?³²
- ☐ Have you formatted citations properly?³³
- ☐ Have you used signals appropriately?³⁴

²¹ See *id.* at 253.

²² See *id.* at 266.

²³ *Id.*

²⁴ *Id.* at 276.

²⁵ For more information on writing and style see *id.* at 402–21.

²⁶ *Id.* at 277.

²⁷ For more information and tips on conciseness, see *id.* at 409–16; see also, Jonathon Eser revised by Katie Marshall, *Concise Is Nice! An Aid for Writing Concisely*, LAW.GEORGETOWN.EDU (2019), <https://www.law.georgetown.edu/wp-content/uploads/2019/08/CONCISE-IS-NICE.pdf>.

²⁸ See TISCIONE *supra* note 1, at 277.

²⁹ See *id.* at 402-03.

³⁰ See *id.* at 277, 423, 445, 465.

³¹ See *id.* at 277.

³² See *id.*

³³ See *id.*

³⁴ See *id.*