



## CHECKLIST FOR THE WRITING PROCESS\*

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### Getting Started

- ✓ Identify the purpose of your assignment, the intended audience, the scope of the legal question, and the stance you are taking.
- ✓ Identify your preliminary issue.
- ✓ Review the assignment specifications.
- ✓ Develop your understanding of the legal framework.
  - Identify the controlling jurisdiction and governing law. If applicable, familiarize yourself with the legally relevant facts.
- ✓ Create a research strategy.
  - Consult secondary sources for background information to help develop your research plan. Depending on the assignment, helpful secondary sources may include:
    - News articles
    - Legal newsletters
    - Government agency websites
    - Legal encyclopedias
    - Law review articles
    - Jury instructions
    - American Law Reports
    - Restatements
    - Subject matter treatises
    - Hornbooks
  - Make a list of relevant keyword searches to use on Westlaw or Lexis.
  - Determine what sources will be most helpful to your problem (e.g., case law, statutes, legislative history, regulations, secondary sources).
- ✓ Make a schedule.
  - Break down the project into separate phases—research, outlining, writing, rewriting, revising, and polishing—and plot them out on your calendar.
  - Give yourself more time than you think you will need and stick to your schedule (for more on this, see [“Just Do It: Tips for Avoiding Procrastination”](#)).

### Researching

- ✓ Follow your research strategy.
  - To maximize efficiency, keep track of what keyword searches you’ve tried.
- ✓ Create a system to keep track of your sources and citations.

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\* Updated by Sarah Fox, Spring 2009 and Morgan McGuire, Spring 2023.

- Download and save them, print them out, and keep them in a tabbed folder, use Westlaw or Lexis folders, or record links in a separate document.
- Make sure you keep track of key citation information so you can find sources again if you need to. For example, do not just write down the case name. Make sure to write down the reporter information. *People v. Wolf* will be difficult to find on its own, but you will easily be able to find it using the reporter information: 329 N.Y.S.2d 291.
- ✓ Develop an effective notetaking system.
  - Some people prefer to make charts with detailed descriptions of sources, while others like to jot down keywords. Whatever method you choose, note why the source is useful (or not), and make sure that you record page numbers.
  - Some people find it helpful to start creating an outline during the research process.
- ✓ If your source-tracking or notetaking strategies aren't working for you, don't be afraid to experiment and find another method that works better.
- ✓ If you are stuck, ask a law librarian.
  - The Law Center's librarians can help you come up with research strategies and develop relevant searches.
    - [Chat with a librarian.](#)
    - [Schedule an individual research consultation.](#)
- ✓ Assess whether you have enough research to support each section of your document.

### **Organizing**

- ✓ Start developing your thesis.
  - Note that your thesis or analysis may change as you work through your research and large-scale organization.
- ✓ Make an outline.
  - Use the organizational method that makes sense to you. Don't get caught up in how the outline looks; the important thing is that it works for you.
  - Outline based on the structure of your assignment. Outline around issues, arguments, and analysis – not sources. For example, if you are writing an objective memo, outline the elements of the law rather than around the case law.
  - Note sub-issues that you will need to address within each broader section.
  - For more outlining tips, see "[Strategies for Outlining your Scholarly Paper.](#)" Although this handout is geared toward scholarly papers, much of it also applies to practice-based documents.
- ✓ Plug your research into the outline.
  - This can be as detailed as you'd like. You can write out parts of your analysis, or you can simply jot down sources you would like to use in each section.
- ✓ Review your structure from a reader's point of view. Ask yourself:
  - Could a reader broadly track your thesis or argument by looking at the structure of your document?
  - Is the order of the information effective?
  - Would a different organizational structure be more effective? For example, would it make more sense to discuss your strongest arguments first or to follow the order courts and/or scholars use to address similar legal problems?

- ✓ Before you start writing, update your case research with Shepardize (Lexis) or KeyCite (Westlaw).
  - Pay close attention to indications that a case has been distinguished, applied in new cases, or overruled.

### **Writing**

- ✓ Just write.
  - Focus on getting words down on paper rather than editing while you write. Do not worry about proper citations, proper grammar, or other technical errors.  
     CAUTION: this point applies to the drafts you produce during the writing process, not a draft that you submit to a professor or supervising attorney.
- ✓ Maintain an internal structure.
  - Adhere to the large-scale organization you set out in your outline.
  - Remember to include a roadmap in your introductory section and wherever it may be helpful to the reader to preview sections.
  - Pay attention to the small-scale organization within each section. In practice-based documents:
    - Remember the analytical paradigm: begin with a topic sentence that states the issue or your thesis, provide and explain the law, apply the law to the facts of your problem, consider and refute any counterarguments, and state your conclusion.
    - Front the law. State and fully explain the law before bringing in the facts of your case.

### **Rewriting and Revising**

- ✓ Be systematic.
  - Focus on larger scale revisions to organization and legal analysis before moving on to smaller scale items like sentence structure and grammar.
  - For some people, it is easier to start with the section that needs the most work. For others, it is better to build up to those problem areas.
- ✓ Read your writing from the perspective of someone who is unfamiliar with the law. Ask yourself:
  - Have you provided enough background information for the reader to understand the legal context?
  - Have you made your reasoning explicit, or is the reader forced to make logical connections that are not spelled out?
  - Have you referred to key terms consistently throughout your document? If not, a reader will wonder whether slightly different terms are meant to be understood the same way or not.
- ✓ Check your internal structure.
  - Make a reader-based outline based on your topic sentences and/or section headings.
  - Make sure that the reader-based outline both mirrors what you created during the organization phase and serves as a valid guide for your reader regarding the overall structure of your document.
- ✓ Consider [scheduling a conference](#) at the Writing Center.

- You can visit the Writing Center at any point in the writing process, but it is often helpful to get another perspective during the rewriting and revising stage.

### **Polishing**

- ✓ If you have time, give yourself some distance from the document so you are looking at it with fresh eyes.
- ✓ Check your citations according to the Bluebook.
- ✓ Read carefully for typos missed by spellcheck, missing words, grammar errors, and unclear language.
  - Some strategies include printing your document out and marking it up by hand, using a ruler to focus yourself on the text, reading it aloud to yourself, using the “read aloud” function on Word, reading backward, reading sections in reverse order, and reading sections out of order.
- ✓ Check for common technical errors.
  - Do not use contractions in formal legal writing.
  - Avoid widow headings.
    - A widow heading occurs when the heading appears at the bottom of one page, but the body of text that follows that heading begins at the top of the next page.
    - Word has a function to prevent widow headings. To enable it, go to the paragraph menu, then line spacing options, and select “Widow/Orphan control.”
  - Commas and periods go inside closing quotation marks.
  - When using ellipses, include a space before and after each period.
  - When using dashes, do not use a space on either side of the dash.
- ✓ Make sure your document meets the assignment specifications.
  - Check for formatting requirements like double spacing, page numbers, margins, etc.