



CHECKLIST FOR THE FALL LEGAL RESEARCH AND WRITING EXAM¹

© 2019 The Writing Center at Georgetown University Law Center. All Rights Reserved.

The fall LRW final can seem a little daunting at first. It is normal to wonder about how you are going to balance the final with your other responsibilities or how you are going to show off all of the skills you have learned in the last few months. But, fear not. Everything you have been doing in LRW has been preparing you for this. You have your notes from class, along with the detailed feedback from your law fellow and writing professor. You know your writing process and what you need to do to be successful.

This checklist is just another tool to help you as you prepare for, draft, and finalize your fall LRW final. Of course, there is no one right way to prepare for or take an exam. At all times, you should ensure that you are following your professor's instructions and advice. However, this handout can provide a starting place for creating a step-by-step checklist for your final exam so that you can show off all that you have learned.

I. Creating an Attack Plan Before the Exam

- One to two weeks before the exam begins, write down the readings and assignments you will have in other classes during the exam period.**
- After reviewing those assignments, consider how you will balance your exam with those other responsibilities.**
 - Can you read ahead in some of your classes so you do not have to read as much during the exam period?
 - If you are already outlining, can you outline a little more leading up to the LRW exam so that you do not have to outline during the exam period?
 - If you have a professor that allows you to “pass” on cold calls a certain number of times during the semester, can you use those passes during the LRW exam period?
- Once you have considered ways to open up time for your LRW exam, make a realistic plan for how you will use each day in your exam period.² Schedule how many days you will want to spend on each part of the writing cycle, including:**
 - Reviewing the problem and researching
 - Outlining
 - Writing
 - Taking time away
 - Revising
 - Polishing

¹ Written by Rebecca Killian.

² For tips on how to make a detailed to-do list and a time schedule, see Writing Center Handout, *Just Do It: Tips for Avoiding Procrastination*, <https://www.law.georgetown.edu/wp-content/uploads/2018/06/Kaavya-Just-Do-It-Tips-for-Avoiding-Procrastination.pdf>.

- **Before the exam, review the feedback that you have received from your law fellow and writing professor.**
 - Carefully read over the feedback that you have received. Try to pinpoint what areas of the fall memo you excelled at (so that you can replicate that performance), and what areas you struggled with (so that you can show improvement on the exam). If helpful, add specific, individualized goals to this checklist—or, to your own checklist—based on the feedback you received over the course of the semester.

II. Reviewing the Problem and Researching

- **Read the problem thoroughly, taking special notice of:**
 - The specific issue you are being asked to answer
 - The jurisdiction for the problem
 - Any restrictions your professor has placed on the scope of your exam
- **Breakdown the research into manageable parts.³**
 - Set specific, achievable goals based on the law you’re researching. For example, if your problem involves a multi-factor common law test, break your research down for each of the relevant factors.
- **Organize your research as you go.**
 - Develop a system for recording the information you glean along with the source’s citation. You can do this in an excel document, in a chart on OneNote, or in a bullet point list on Word.⁴ You can also print physical copies of the cases and highlight the relevant information if that works better for you.
 - If you are not going to use a case, keep note of why. This will avoid unnecessary re-reading.
- **Remember: Stick to the plan and move onto outlining.**
 - You will always feel like there is more research to be done. But, stick to the plan you’ve set and move onto outlining and writing after the number of days you have given yourself for research. You can always revisit research if you notice holes or problems with your analysis.

III. Outlining⁵

- **Create a skeletal outline based on the required components of your assignment; within the discussion section, lay out the relevant aspects of the law.**
 - In laying out the relevant components of the law, consider whether any section would be better explained if broken down into smaller parts. Do not be afraid to breakdown issues into sub-issues if you think it would create a clearer analysis.
- **Insert the facts of your problem.**
 - Review your problem and insert the facts relevant to each component of the law into the skeleton.
- **Plug your research into the outline.**

³ See Writing Center Handout, *The Art and Craft of Strategic Legal Research*, <https://www.law.georgetown.edu/wp-content/uploads/2018/02/strategicresearch.pdf> (detailing why it is important to create a strategic research plan).

⁴ See *id.* at 7–8 (giving examples of both a chart and a bullet point outline to keep your research organized).

⁵ Outlining is a highly individual process. Some “outline extensively, including full sentences that will actually be used in their final paper,” while others keep a minimal outline. Writing Center Handout, *Strategies for Outlining Your Scholarly Paper*, <https://www.law.georgetown.edu/wp-content/uploads/2018/07/Strategies-for-Outlining-Your-Scholarly-Paper.pdf>. Others outline as they research, plugging in information as they learn more about the law. Always remember to do what works for you!

- Reflect on what statutory language or cases will be the most relevant in each section. Ask, which cases will best help me explain my rules? Which cases have the most similar facts to our problem?
- **After reviewing the facts of your case and the controlling law, determine how you will answer the question presented.**

IV. Writing Your First Draft

- **Breakdown your first draft into manageable parts.**
 - Similar to breaking down your research, create a plan for when you want to get each component of your paper done. In setting apart time for each component, consider (1) which sections of the memo will be worth the most points and (2) which sections you believe will be the most challenging to draft based on your research.
- **Buckle down and write.**
 - Writing a first draft can be challenging. But, the goal of a first draft is not perfection. It is to get something out on the page. Stick to your deadlines, refrain from multitasking, and keep confident in the fact that you have spent a whole semester prepping for this.⁶
 - If you ever feel stuck, look back at your class notes, your final draft of your fall memo, or the exemplars from previous fall exams. Reviewing these resources can be starting places for jumping into the writing process.
- **Remember to maintain an internal structure.⁷**
 - Ensure that within your discussion section that you have topic sentences, rule statements, and legal reasoning (including an explanation of the rule if necessary and an application of the rule to your facts).
- **Find places to insert counterarguments and analogical reasoning.**
 - Be strategic about what counterarguments you want to address and where analogical reasoning would be the most helpful.

V. Take Some Time Away

- **After finishing your first draft, step away.⁸**
 - If you have followed your schedule and finished your first draft with days to spare, build in a day or two during the exam period where you do not look at your memo. Getting some separation is beneficial. It can re-energize you and provide space for your mind to unconsciously work through difficult parts of your paper.

VI. Revising

- **Breakdown your revision schedule into manageable parts.**

⁶ For tips on how to make the most of your first draft, see Writing Center Handout, *Getting the Most of Your First Draft*, <https://www.law.georgetown.edu/wp-content/uploads/2018/07/Getting-the-Most-out-of-Your-First-Draft.pdf>.

⁷ See Writing Center Handout, *Checklist For the First-Year Writing Process*, https://www.law.georgetown.edu/wp-content/uploads/2018/07/Checklist-for-the-first-year-writing-process.Final_Spring-2010-1.pdf (discussing how to check for a strong internal structure as well as providing several helpful tips for the writing process).

⁸ See Writing Center Handout, *Just Do It: Tips for Avoiding Procrastination*, <https://www.law.georgetown.edu/wp-content/uploads/2018/06/Kaavya-Just-Do-It-Tips-for-Avoiding-Procrastination.pdf> (“There are points in the writing process when you simply become too “close” to what you have written—you are unable to see flaws, to spot basic errors, or to think about reformulating structure and arguments. When you reach one of these points, it can be incredibly helpful to take a step back from writing and allow your thoughts to simply simmer in your mind until ideas take on more clarity.”).

- Make a plan for how you will revise the different components of your paper. Consider if you want to tackle the easier areas of your paper to build up stamina, or if you would want to handle the more challenging areas so that you can get them out of the way.
- **Check to see if your large-scale organization makes sense.**
 - Does your paper include all of the components your professor is looking to see (question presented, statement of facts, discussion, etc.)?
 - Does the organization of your discussion section make sense?
 - For example, do you follow the statutory framework or the multi-factor common law test in the same order that courts analyze it? If not, why? Are there certain sections that are easily discussed that make more sense to be analyzed first?
- **Check the Question Presented.**
 - Do you provide a succinct and clear statement of the question you were asked to answer? Does it include the jurisdiction, the law being applied, and some legally salient facts?
- **Check the Statement of Facts.**
 - Do you present a clear retelling of the legally salient facts that a reader with no background on the case would be able to understand? Are *all* the facts that you use in your discussion section mentioned in your Statement of the Facts (so that there are no surprises)?
- **Check topic sentences.**
 - Create a reader-based outline by copying and pasting all of the topic sentences from your discussion section into a blank word document.⁹ Read through the outline. Do the topic sentences mirror the organizational structure that you were aiming for? If not, what changes need to be made?
- **Check for effective rule statements.**¹⁰
 - Do your rule statements provide a measurable standard that can be applied to multiple cases? Do your rule statements have concrete, defined terms, rather than vague language?¹¹
- **Check for effective case comparisons/analogical reasoning.**¹²
 - In each of your case comparisons, are you:
 - Articulating the rule guiding the case comparison?
 - Identifying the important facts of the precedential case?
 - Stating the facts, holding, and reasoning in the precedential case?
 - Explicitly comparing the facts of the precedential case to the current case, applying the reasoning of the precedential case to the current case?
 - Concluding on how the court will rule on the issue in the current case?
- **Check for stance and tone.**

⁹ For more on reader-based outlines, see DIANA DONAHOE, EXPERIENTIAL LEGAL WRITING: ANALYSIS, PROCESS, AND DOCUMENTS 94 (2011).

¹⁰ See Writing Center Handout, *Creating Effective Rule Statements*, <https://www.law.georgetown.edu/wp-content/uploads/2018/07/Stacie-Smith-Effective-Rules-Handout.pdf> (providing examples of effective rule statements and explaining rule synthesis); Writing Center Handout, *Using Cases in Legal Analysis*, <https://www.law.georgetown.edu/wp-content/uploads/2018/07/Using-Cases-in-Legal-Analysis-Revised.pdf> (explaining how to synthesize a rule statement to interpret common law doctrines and statutory language).

¹¹ See Writing Center Handout, *Creating Effective Rule Statements*, <https://www.law.georgetown.edu/wp-content/uploads/2018/07/Stacie-Smith-Effective-Rules-Handout.pdf>.

¹² For an excellent refresher on how to create effective case comparisons, complete with examples, see Writing Center Handout, *How to Craft an Effective Case Comparison*, <https://www.law.georgetown.edu/wp-content/uploads/2018/07/How-to-Craft-an-Effective-Case-Comparison.pdf>.

- Keep your audience in mind. The memo is for a supervising attorney who is looking for an answer to a question; it is not a brief to the Supreme Court. Do you take a position while still keeping an objective, rather than overly persuasive, tone?

VII. Polishing

- **Read your paper multiple times for errors.**
 - In reading for errors, there are a couple of ways to help make sure you catch any mistakes:
 - Print out the paper and read it out loud. You are more likely to catch mistakes this way than by just going over the paper on your computer with your eyes.
 - Start from the end of the paper and read the paper in reverse paragraph order (read through the last paragraph, then the second to the last paragraph, etc.). Reading out of order will prevent you from falling into a flow that can cause you to miss mistakes.
- **Grammar and Spelling¹³**
 - Know your grammatical weaknesses and look for them.
 - Check subject-verb agreement and subject-pronoun agreement.
 - Check that you did not use the wrong homonym (i.e. there/their, your/you're, its/it's).
- **Reread the exam and make triple sure you followed your professor's directions.**
 - Have you used the right font? Have you included page numbers?
 - Does your paper have all the component parts that your professor asked for?
 - Are you within the word limit?
- **Bluebooking**
 - Do all of your case citations conform to R10 (starting on page 95) of the Bluebook?
 - Have you abbreviated case names according to R10.2, T6, and T10?
 - Have you provided the correct reporter information according to R10.3?
 - Is the spacing for the reporter correct? (i.e. F. Supp. 2d versus F.3d)
 - Have you provided the court and jurisdiction according to R10.4 (with help from T1)?
 - Have you provided pinpoint cites according to R3?
 - If you list multiple cases in a string cite, are the cases in the right order according to R1.4?
 - Are your statutory citations correct?
 - If citing a federal law, look to R12 (page 111).
 - If citing a state law, look to T1.3 (page 248) and check your citation against the relevant state section.
 - Is the period in your "*Id.*" citation italicized (or underlined Id., if that is what your professor prefers)?

¹³ For a thorough checklist of sentence level revisions, see Writing Center Handout, *The Home Stretch: Revising and Polishing the Scholarly Paper*, <https://www.law.georgetown.edu/wp-content/uploads/2018/07/The-Home-Stretch-Revising-and-Polishing-the-Scholarly-Paper.pdf>.