

Questions To Ask When Finalizing the Paper

As you finalize the paper, ask the following questions:

1. Have I answered the question the paper posed?
2. Is the summary of the paper's conclusions in the introduction clear, concise, and complete?
3. In an MOL, does the Short Answer state the conclusion precisely, and does the analysis deliver on what the Short Answer promised? In a law review article, the same questions for the summary of the conclusions in the introduction.
4. Is everything I say in the paper factually and legally correct?
5. Have I included everything in the paper that the reader should know?
6. Are my treatments of cases, guidelines, theories, and the like complete and clearly explained?
7. Can the reader always tell whether a proposition is, for example, a court's holding, a statutory command, an allegation in a complaint, an argument in a brief, or my own analysis?
8. Is every legal proposition supported by primary authority rather than secondary sources?
9. Do authorities stand for the propositions for which they are cited, are the citations in proper Bluebook form, and have I used the appropriate introductory signals (see BB Rule 1.2)?
10. Does the paper have a natural linear organization and a compelling narrative?
11. Have I said everything only once? If the same proposition, case description, or quotation appears in more than one section, consolidate. You want your work product to be as concise as possible while retaining analytical rigor.
12. Have I answered all the questions the reader will likely ask when reading the paper (and placed the answer in the text where the reader would expect to find it)?
13. Do I have good introductory and concluding paragraphs for each section and subsection?
14. Have I defined every term of art before using it, so that a reader without subject matter expertise can follow the analysis?
15. Have I used the active voice and limited the use of the passive voice except when absolutely necessary?
16. Are my word choices appropriate, accurately convey what I mean to say, and suitable for formal legal writing?
17. Is the paper grammatically correct (including punctuation)?
18. Finally, is the paper easily and quickly readable by a sophisticated attorney who is not a specialist in the field? A memo the reader struggles to read cannot be persuasive.

Overall, the primary question to ask yourself when finalizing a reasoned memorandum of law is whether the memo tells its reader enough to act with confidence. In a counseling setting, does the memo enable an antitrust counselor to evaluate the legality of the practice at issue and to advise the client with reasonable confidence? In a litigation setting, does the memo enable counsel to structure a claim or defense? If the answer is yes, the memo has done its job.