

Have you saved the doc using the naming convention for this assignment?
[Last Name or Anonymous Identifier] [Assignment Name] (e.g., XXXXX Open Research Memo). Note the one inch margins, the 1/2 inch tabs, the pagination, the font. Professionals make stylistic use of white space on a page

MEMORANDUM

To: See the Partner's Assigning Memo
From: See the Partner's Assigning Memo
Date: See the Partner's Assigning Memo
Re: See the Partner's Assigning Memo

Questions Presented

- 1.
- 2.

Brief Answers

- 1.
- 2.

Statement of Facts

Please skip the parts in green for the Draft Discussion section of the Formal Memo Assignment.

Discussion

We need an Umbrella Thesis here that answers the Partner's two questions briefly. Do not fear that you repeat yourself because Brief Answers are so close to this paragraph. Every part of the document is written to be read in isolation. We need an Umbrella Rule here. You may find it better to combine the Umbrella Rule and the Umbrella Roadmap. When you discuss two elements of the same claim or defense instead of elements of two different claims or defenses, there may be a need for more detailed rule statements here.

1. Heading for Question 1 [Ask your professor whether to use a full sentence thesis on the final version or a couple of words in memo headings.]

Thesis for answer to Question 1 (unnecessary if you put the thesis in the heading). Keep in mind that you are only addressing one element of the claim (registration: is it required and, if so, how is the requirement met) so you need not predict what a court will say about other elements of that claim. State the Rule for claim. Don't forget to cite to authority. Include a Roadmap that states which element you will discuss and which elements are outside the scope of your memo. Important note. In the copyright assignment, you need to address both the

registration issue and the VARA issue. As a result, you may find it helpful to have a Roadmap that has a sub-point a. and b. See the structure below in pink.

Synthesized Rule for the Element. Because the question is statutory, don't forget to cite and quote relevant language from the statute. Include in your cite any other authority relied on. Think about whether this rule has any sub-elements for which you need a mini-roadmap. If so, see instructions in pink. If not, see instructions in blue.

Rule Explanation for the Element. Need to start with a topic sentence that characterizes the coming paragraph. If you have sub-elements, then that dictates order here. If you have interpretive or explanatory guidance for the legal reader, then you order the topics logically. Whatever order you follow here is the order you will follow in Rule Applied to Facts. You may have one or more paragraphs here.

Rule Applied to Facts. Need to start with a topic sentence that characterizes the coming paragraph. This is when you start discussing the client's situation. The order of discussion should follow what appears in the Rule Explanation section. You can rely on Rule-Based Reasoning, Statutory Construction, or Analogy-Based Reasoning.

Optional Format: If you have sub-elements, you could replace material highlighted in blue with material highlighted in pink.

a. Sub-Element Heading

Rule Explanation for the Sub-element. Need to start with a topic sentence that characterizes the coming paragraph. You may have one or more paragraphs here that show how the sub-element has been applied or interpreted.

Rule Applied to Fact for the Sub-element. Need to start with a topic sentence that characterizes the coming paragraph. This is when you start discussing the client's situation. The order of discussion should follow what appears in the immediately preceding Rule Explanation section. You can rely on Rule-Based Reasoning, Statutory Construction, or Analogy-Based Reasoning.

Mini-Conclusion. This could be at the end of the prior paragraph or in its own paragraph.

b. Sub-Element Heading

Repeat as necessary.

Thesis stated as a Conclusion. This could be at the end of the prior paragraph or in its own paragraph.

2. Heading for Question 2 [See comments for Heading for Question 1.]

Thesis for answer to Question 2. Keep in mind that you are only addressing whether or not Defendant can meet the threshold requirements for the safe harbor so you need not predict what a court will say about other elements of that affirmative defense. State the Rule for the affirmative defense. Don't forget to cite to authority. Roadmap that states which element you will discuss and which elements, if any, are outside the scope of your memo.

Synthesized Rule for the Element. Because the question is statutory, don't forget to cite and quote relevant language from the statute. Include in your cite any other authority relied on. **Think about whether this rule has any sub-elements for which you need a mini-roadmap. If so, see instructions in pink. If not, see instructions in blue.**

Rule Explanation for the Element. Need to start with a topic sentence that characterizes the coming paragraph. If you have sub-elements, then that dictates order here. If you have interpretive or explanatory guidance for the legal reader, then you order the topics logically. Whatever order you follow here is the order you will follow in Rule Applied to Facts. You may have one or more paragraphs here.

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Optional Format: If you have sub-elements, you could replace material highlighted in blue with material highlighted in pink.

a. **Sub-Element Heading**

Rule Explanation for the Sub-element. Need to start with a topic sentence that characterizes the coming paragraph. You may have one or more paragraphs here that show how the sub-element has been applied or interpreted.

Rule Applied to Fact for the Sub-element. Need to start with a topic sentence that characterizes the coming paragraph. This is when you start discussing the client's situation. The order of discussion should follow what appears in the immediately preceding Rule Explanation section. You can rely on Rule-Based Reasoning, Statutory Construction, or Analogy-Based Reasoning.

Mini-Conclusion. This could be at the end of the prior paragraph or in its own paragraph.

b. **Sub-Element Heading**

Repeat as necessary.

Thesis stated as a Conclusion for Element 2. This could be at the end of the prior paragraph or in its own paragraph. Umbrella Thesis stated as a Conclusion. [The Umbrella Conclusion could be in its own paragraph.]

Conclusion

~~We will skip this even in our final version of the Open Research Memo Assignment. Some texts call for it. Some partners call for it. I do not see its utility if you complete the legal analysis above. It's important to ask the partner or professor for whom you are writing what preferences that person has.~~