

MEMO STRUCTURE FOR THE LEFT AND RIGHT BRAIN¹

BY SUE LIEMER

Sue Liemer is the Director of Legal Writing at the University of Mississippi School of Law in University. She is also the president of the Association of Legal Writing Directors.

Teachable Moments for Teachers ... is a regular feature of Perspectives designed to give teachers an opportunity to describe a special moment of epiphany that changed their approach to presenting a particular topic to their students. It is a companion to the Teachable Moments for Students column that provides quick and accessible answers to questions frequently asked by students and other researchers. Readers are invited to submit their own "teachable moments for teachers" to the editor of the column: Louis J. Sirico, Jr., Villanova University School of Law, 299 N. Spring Mill Road, Villanova, PA 19085-1682, phone: (610) 519-7071, fax: (610) 519-6282, e-mail: sirico@law.vill.edu.

If you teach legal writing to first-year law students, chances are at some point you put an outline on the board that looks like this:

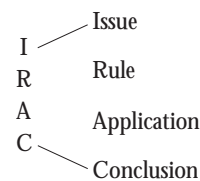
TO:
FROM:
RE:
DATE:

Question Presented
Brief Answer
Statement of Facts
Discussion
Thesis section
I
R
A
C
I
R
A
C
Conclusion

¹ The material in this article was presented by the author at the Central Region LRW/Lawyring Skills Conference, "Hands-On: Teaching LRW and Lawyring Skills in the First Year," held in Kansas City, Missouri, on September 24–25, 1999.

Some legal research and writing (LRW) professors put the facts section first.² Some use a variation on the IRAC structure.³ Some use a different name for the thesis section.⁴ With minor variations, however, the basic outline of an intra-office, objective legal memorandum is standardized enough to be one of the basic conventions of legal writing taught in American law schools.⁵

As I explain this outline to my class, I begin to feel a bit like a football coach chalking out game day plays. I circle the "I" of each IRAC, and draw an arrow from it to the thesis section, explaining the connection as I do so. I circle the "C" of each IRAC, and draw an arrow from it to the overall conclusion. I add lines to indicate a breakout section and embellish one IRAC to look like this:



and then I proceed to review each section of an IRAC.

The second year I taught legal writing, as I was updating a lesson plan on basic memo structure, a minor epiphany struck. I realized that there was another way to show basic memo structure on the chalkboard that might be more helpful to some students. It looked like this:

² Some lawyers start memos with the Question Presented, some with a Statement of Facts. Because it is harder to write a Question Presented and Brief Answer that a reader unfamiliar with the facts will understand, I have my students learn to write a memo that way, so they will be well prepared to start a memo either way when they practice law.

³ The benefits and drawbacks of using IRAC, as well as several variations on the IRAC structure, are discussed in *Point/Counterpoint: Use of IRAC-type Formulas—Desirable or Dangerous?* The Second Draft, Nov. 1995, at 1.

⁴ For example, Linda H. Edwards, *Legal Writing, Process, Analysis, and Organization* 138–139 (2d ed. 1999), uses the term "umbrella section" instead.

⁵ See Section of Legal Educ. & Admissions to the Bar, Am. Bar Ass'n, *Sourcebook on Legal Writing Programs* 12–19 (1997), explains the typical writing assignments of first-year legal writing courses.

Question Presented	thesis section	Issue	topic sentence
rest of memo	rest of discussion	Rule Application Conclusion	rest of paragraph

As I put this approach on the board, I do not feel like a football coach. I do not end up with arrows and chalk dust everywhere. I feel more like a child playing with a Russian matryoshka (or nesting) doll. Each time I open up the head and base, there is a smaller-scale version of the same thing inside. Each head and base fits together to form a whole that can stand on its own. Yet I can always work backward again and see how each smaller version fits back neatly into its next larger example. Just as a child will focus on both the individual dolls and how one fits inside the other, I encourage my students to understand first each full square, and then how the same relationship exists within their memos' structure on different scales.

To help the students remember and to keep the class fun, I actually bring a matryoshka doll to class.⁶ I ask for a volunteer to open it, reconstruct each doll inside, and line them up on the desk. Later I ask another volunteer to come forward and reconstruct the whole.

Of course the standard memo outline needs to be explained first. Most of the class will find it easy enough to follow. Many students who are linear, algebraic thinkers will come to understand it fairly quickly as they practice applying it. Without the benefit of a science degree, I call these my left-brain thinkers.⁷ Every law school class, however, has right-brain thinkers, too. These students think more spatially and geometrically.⁸ The building block diagram and matryoshka doll help many of them see the big picture more easily.⁹

⁶ I am grateful to my friend Nina Ruzumnaya Hoff for the gift of a genuine matryoshka doll.

⁷ See Sally P. Springer & Georg Deutsch, *Left Brain/Right Brain* 54–55 (3d ed. 1989); James F. Iaccino, *Left Brain-Right Brain Differences: Inquiries, Evidence, and New Approaches* 29–33 (1993).

⁸ See Springer & Deutsch, *supra* note 7, at 54–55; Iaccino, *supra* note 7, at 29–33.

⁹ Of course, the left-brain/right-brain dichotomy is only one way to account for different learning styles. See generally Howard Gardner, *Frames of Mind: The Theory of Multiple Intelligences* (2d ed. 1993).

With the second approach on the board, you can underscore several important points for the whole class. At each level, the header in the top box must be carefully drafted. Since it announces the topic to come, its focus will determine the focus of everything that follows it in the lower box. Likewise, everything in the lower box must relate directly back to the announced topic in the top box. These boxes also make it easy to show a student who has wandered off topic that a particular sentence or rule belongs in a different paragraph or IRAC, a different box at the same level.

Memo structure can be one of the drier subjects in a first-year legal writing course. Try appealing to both the left and right brain, playing with dolls, and making it a little more fun.

© 2000 Sue Liemer