

How to Write an Open Memo

Overview

You have probably read the fact pattern for your Open Memo assignment several times by now. An increased familiarity with the facts for your memo will begin to generate a preliminary sense of some of the crucial, fundamental legal issues and questions your research will need to address.

Let the LexisNexis® services help you refine these issues, uncover related issues and guide you through the research process to identify the relevant black letter law. The various features and content of the LexisNexis® Total Research System will have you ready to draft your Open Memo in no time.

How the LexisNexis services can help

The array of tools available on LexisNexis will simplify each step of the drafting process. LexisNexis can help with:

- Getting started
- Finding relevant primary authority (cases and/or statutes)
- Finding relevant secondary sources
- Narrowing your research
- Ensuring the validity of all cited authority

Get started with Lexis® Search Advisor

Use Lexis Search Advisor to efficiently locate cases, agency decisions, and even analytical materials pertinent to your legal issues.

Five Style Rules for a Memo*

1. Clearly and concisely state the facts in short, simple sentences.
2. Identify and define the legal issue(s) in the case.
3. Research, select, and read the cases and statutory authority relevant to the facts and the legal issues.
4. Apply the law to the facts.
5. Organize your analysis of the facts and the law.

*From *How to Write: A Memorandum from a Curmudgeon* by Mark Hermann.

There are two ways to use Lexis Search Advisor. Both deliver good results, but each is tailored to the specific information you have when you start your research.

If you have...

Use...

Facts of the case, rules of law, term of art, or specific words

Option 1:
Find a legal topic

An area-of-law concept or issue

Option 2:
Explore legal topics

To access Lexis Search Advisor:

1. Go to the Law School Web site at www.lexisnexis.com/lawschool
2. Locate the **Look for a Topic** box.
3. Enter your terms/phrases in the box.
4. Click **Go**.

OR


Click the [View All Topics](#) link to locate the topic of your choice.

Note: If you are already signed on to the LexisNexis Total Research System, simply click on the **Search Advisor** tab to access Lexis Search Advisor.

Click to select options at the top of the screen to view.

The screenshot shows the LexisNexis search results interface. At the top, there are navigation options: 'View: Cite | Digest | KWIC | Full | Custom'. Below this is a 'Sort By:' dropdown menu with 'Court/Date' selected. A 'Request:' field contains the text 'Retrieve all headnotes and additional cases on Invasion of Privacy'. The results list two cases: '1. Dalia v. United States' and '2. United States v. White'. Annotations A, B, C, and D are placed over the interface: A points to the 'Show Headnotes Only' link, B points to the 'Digest' view option, C points to the 'Frequently Cited' sort option, and D points to the 'In-Depth Discussions' link. The first case, 'Dalia v. United States', is expanded to show its 'OVERVIEW' and 'OPINION' sections.

- A. Show Headnotes Only** Restricts your view to just the headnotes for each case and just those cases with headnotes on the selected topic.
- B. Digest View** Displays the headnotes that match your topic and the portions of text in other cases that are highly relevant to the topic.
- C. Sort by: Frequently Cited** See those cases that have been most frequently cited by other cases within your answer set or topic.
- D. In-Depth Discussions** Quickly narrow your answer set to view up to 15 cases with the most in-depth discussion of your topic.

When viewing the text of a case, click the icon  to retrieve all headnotes and additional cases pertinent to the issue discussed in that headnote.

Analyze your results quickly

Save time sorting through case-law documents by relying on **LexisNexis® Case Summaries**. These concise synopses provide you with a snapshot of a case-law decision without reading the entire case.

Expand your research with More Like This

Now that you've found several cases on point, and identified the key legal issues, the **More Like** features provide three great ways to expand your research.

More Like This finds cases with similar citation patterns or core terms.

More Like Selected Text finds cases with similar language.

More Like This Headnote finds cases containing either the same headnote or a discussion of that headnote topic.

Narrow your results with the FOCUS™ feature and the Shepard's® Citations Service

The screenshot shows the LexisNexis FOCUS search results for a specific case. The search terms are 'People v. Sandoval'. The results show a list of cases with similar citation patterns. The first case is '73 Cal. App. 4th 404, **; 86 Cal. Rptr. 2d 431, **; 1999 Cal. App. LEXIS 643, ***; 99 Cal. Daily Op. Service 5450'. The case is identified as 'THE PEOPLE, Plaintiff and Respondent, v. ARMANDO O. SANDOVAL, Defendant and Appellant.' The court is the 'COURT OF APPEAL OF CALIFORNIA, FIFTH APPELLATE DISTRICT'. The date is 'July 7, 1999, Filed'. The 'SUBSEQUENT HISTORY' section shows 'Review Granted October 20, 1999 (5081438), Reported at: 1999 Cal. LEXIS 7202'. The interface includes various navigation and search options at the top and bottom.

- Find the most analogous cases using the FOCUS feature to hone in on key terms or phrases specific to your facts.
- **Shepardize®** cases to review the history and editorial analysis of all relied-upon authority.
- **Shepard's** with newly integrated LexisNexis® Headnotes allows you to identify relevant cases more quickly and move directly to discussions of relevant LexisNexis Headnotes in citing cases.

Now that you've identified the most relevant string of cases on your legal issue, don't forget to research the controlling statutes driving those decisions. Whether you need to quickly locate a single statute by its citation or you need to review an entire range of statutes to better understand how they fit together, LexisNexis has the necessary tools and features to efficiently complete your statutory research.

If you're starting with a citation

When you know the citation of the statute you're looking for, use the **Get by Citation** feature to retrieve it.

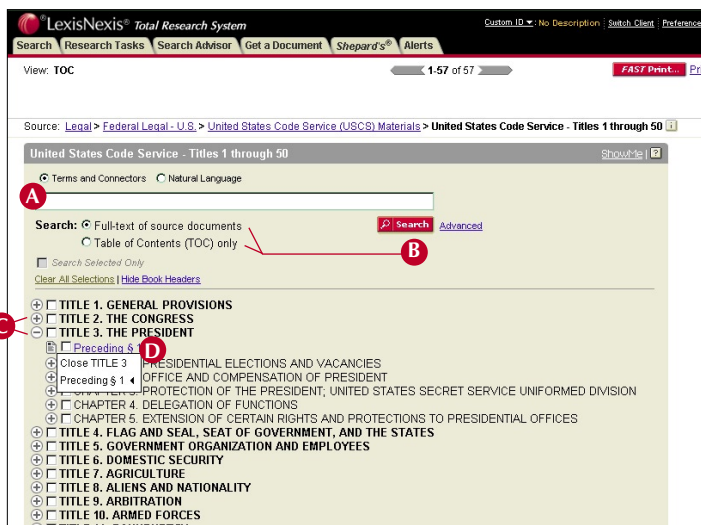
1. Go to the Law School Home Page at www.lexisnexis.com/lawschool
2. Locate the **Get by Citation** box.
3. Enter your citation.
4. Click **Go**.

If you have already signed on to the LexisNexis Total Research System, simply click the **Get a Document** tab, click **Citation**, enter the citation in the open field, and click **Get**.

Remember to use the [Citations Formats](#) link to verify the correct format for your statutory citation.

If you do not have a citation

Take advantage of the expandable/collapsible **Table of Contents** features in all statutory sources for easy and efficient searching and navigating through all or part of any code.



- A. Enter your key words here to quickly find these items in the text or in the Table of Contents.
- B. Select the scope of your key-word search, either the Full-text or the Table of Contents.
- C. Expand or collapse a single level of the Table of Contents' multiple levels to easily browse the hierarchy.
- D. Link directly to a document or a section in the hierarchy.

Using Book Browse

If the context of a particular statute is not clear, use the **Book Browse** feature to review the preceding and subsequent code sections to better understand how your statute fits into the bigger picture.

Once you have retrieved a statute, link to [Book Browse](#) at the top of the page. Use the *Prev* and *Next* arrows to view adjacent sections, like flipping through the pages of a code book. When you're finished browsing the statutory content, click the [Return to Search Results](#) link to return to the original statute you were viewing before you started browsing.

Shepardize statutes for "good law" verification

Once you've found the statutes that directly address your issue, make sure they are still "good law."

To *Shepardize* the statute you're viewing; simply click *Shepardize* at the top of the page.

OR

1. Click the **Shepard's** tab.
2. Enter the **statute citation** in the open field.
3. Choose **Shepard's for Research (FULL)**.
4. Click **Check**.

Shepard's will identify the citing references for only those subsections of the statute relevant to your research.

Viewing your results

Take advantage of the four LexisNexis display options to sort through your search results even faster.

Cite—View an ordered listing of the bibliographical information of all search results—grouped 10, 25, or 50 documents at a time, as you specify.

Note: Efficiently evaluate the relevancy of results by adding the **Overview** and **Core Terms** to your **Cite** display. To select these viewing options, click **Preferences** in the upper right corner of the screen, select the General tab and click to place checkmarks in the boxes for Show Cite List Overviews and Show Core Terms under the Case Law Display section.

To save time, click **Show Hits** (top center of page) to see a "snapshot" of how your search terms appear in each document without leaving the **Cite** list view.

KWIC™ (Key Words In Context)—View your search terms surrounded by the 25 searchable words on either of your key terms to gain a better understanding of the context in which they are being referenced.

Note: To customize the number of words in your context window,

1. Click **KWIC** in the upper left corner of the screen to ensure you're viewing the document in **KWIC**.
2. Click **KWIC +25** in the upper left corner.
3. Enter the desired number, between 1 – 999.

Your choice remains in effect for the duration of the current research session.

Custom—View only those segments of the document you want to see.

1. Click **Custom** in the upper left corner.
2. Click the checkboxes to de-select the segments that you do not want to view.
3. Click **OK**.

If you prefer not to view lengthy annotations, select **Unanno** for custom viewing of your statutes. To review only Dissenting opinions to identify potential weaknesses for any rule of law, select **Dissent** for custom viewing of your case law.

Full—View the full text of a document.

Delivery methods for your search results

Use the document delivery options in the upper right corner of the screen to Print, Download, Fax or E-mail your retrieved documents.

FAST Print—Print your documents with one click of the mouse

1. Click **FAST Print**.
2. Set your preferences (first-time **FAST Print** users only).
3. Click **Submit**.

Note: To change your initial printing preferences for **FAST Print**, click **Preferences** in the upper right corner of the screen and select the General tab to change the default format.

Print—Deliver documents to either a LexisNexis dedicated printer or an attached printer.

1. Click **Print**.
2. Select the **format or printer** from the drop-down menu.
3. Customize your page and font options.
4. Click **Print**.

Printing tips:

- Eliminate irrelevant documents from your delivery request by tagging only those documents desired for simultaneous delivery.
- If you do not need an entire case opinion, print just the pages containing the on-point discussion of your issue by using the Selected Pages print option (available only for single document deliveries)

Download—Download documents into Word, WordPerfect®, Adobe®, Rich Text Format and text-only formats.

- Click **Download**.
- Complete the download template.
- Click **Download**.
- After formatting, the Ready to Download box will appear with instructions for opening, saving or printing your file.

Note: The name of the file with your saved documents displays as a link at the top of the Ready to Download box.

Fax/E-mail—Fax or e-mail documents to yourself or others by clicking on the appropriate link. Complete the template, specify the documents you want, set your options, and click **Send**.

E-mail tips:

- Separate multiple e-mail addresses with a comma or a space (maximum of 3).
- E-mail as an attachment option (*Name* and *Format* required).

Note: Customize your request under any of the delivery methods by using the four display options (Cite, KWIC, Full, and Custom) to your advantage.

History

As your research evolves, your perspective on the questions presented in your memo is likely to change. Use the History feature to review previous searches and results online or print out the contents of your History to create a list of searches you've already performed. A log of your current day's research as well as an archived log of the previous 29 days is maintained for convenient referral.

**For 24-hour, 7-day research help,
click on Live Support or call LexisNexis
Customer Support: 1-800-45-LEXIS**