

Writing from a Model/Example

You've been working on using models to help you understand what a genre looks like. But how does that help you write a new text, especially when that text is on a different subject than the model? In the past, you might have been given explicit instruction as to how to format and arrange your writing. Think back to what you might have learned about writing a 5-paragraph essay:

Standard 5-paragraph essay format

Para 1: Introduction and roadmap of the three points you want to make

Para 2: Point 1

Para 3: Point 2

Para 4: Point 3

Para 5: Conclusion. Wrap up all the points you've made and tie them together.

This is a very helpful way to learn an entrenched genre, but it's not always helpful if there is flexibility in the genre. Additionally, studies have shown that students have a hard time applying a rigid writing schema to new contexts. (You could probably write a 6-paragraph essay using what you know about 5-paragraph essays, but what about something like a resume or a short story?) In this class, you will learn not only the genre of the Memo, but also a method for deciphering an unfamiliar genre of writing.

Step 1: Create an outline

Genres always have a mixture of some fixed and some flexible features. To help you understand which features are fairly standard from example to example, compare a few models of a well-written memo. Try to figure out the purpose of each section of that model memo. Start by copy/pasting each of the headings from the memos into the chart below. Try to match them up so that they correspond with each other and then make some notes about what goes into that section in the chart. The first main heading, Question Presented/Issue, has been filled out for you and the second heading, Short/Brief Answer has been started. The chart below compares two memos, but you will likely want to compare several.

A. Chart of Headings

What is it called?	A. Loman's Memo (annotated)	B. Student Memo (Duke)
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A. Question Presented B. Issue	States the legal issue as a question and includes relevant facts that help us decide the legal question. Is a single sentence. Includes the relevant statute. Begins with "Under." E.g. "Under New York law, did Loman's Fashions' description of a designer leather coat in an advertising circular constitute an offer to sell the coat which became a binding contract when the text of the advertisement indicated that the coats were a "manufacturer's closeout" and that the early shopper would be rewarded, and when a shopper signified her intent to purchase the coat according to the advertised terms?"	States the legal issue as a question and includes relevant facts that help us decide the legal question. Is a single sentence. Does not include any citation to statute or case law. Begins with "Does." E.g. "Does Larson have a claim for fraud against the Randalls when she purchased a house from the Randalls unaware that there was a graveyard in the backyard, the Randalls deny that they knew about the graveyard, and the graveyard decreases the value of the house?"
A. Short Answer B. Brief Answer	Starts off with "no" Gives a brief answer to the legal question. If someone only had the time to read only one section, they could get the basics from the Short Answer. No citations. No rule explanations. Does offer a preview of important legal facts. One paragraph	Starts off with "no" Gives a brief answer to the legal question. If someone only had the time to read only one section, they could get the basics from the Brief Answer. No citations. No rule explanations. Does offer a preview of important legal facts. 2 paragraphs

Look at [several more examples](#) to see how much variation there is between texts. Update your chart accordingly.

B. Make a template for your memo

Using the headings you found above as a guide, make a template document for yourself. What do you think you'll need to include in a full Memo? Are there any "rules" you'll need to stick to? Try to get some practice figuring out the rules before we talk about particular sections in class. For instance, if you were especially observant, you might have been able to see that discussion sections of a memo follow some general form like IRAC or CREAC. You might have noticed that statutes tend to show up early in paragraphs, followed often by cites to cases, and then followed in subsequent paragraphs by the facts of the current controversy (R-E-A). Don't worry if you didn't notice that right away. You are still working on this skill.

I've started a template for you:

- I. **Issue** (aka Question Presented)
 - State the legal issue in question form.
 - Include the relevant facts that help decide the issue.
 - Is usually ~ 1 sentence
 - Can be wonky and complex (hard to understand)
- II. **Brief Answer** (aka Short Answer)
 - *[include the "rules" about what makes a memo a memo that you discover when looking through the examples]*