

Sample legal memo

This annotated legal memo uses the legal problem question from our [IRAC](#) page. A legal memo assignment will often be in the form of a legal problem.

Q: Matthew, a 50-year old independent contractor from Victoria, has been engaged for some work by X Pty Ltd (a company). Matthew attends a number of staff meetings as well as a training course provided by the company.

Matthew comes to you for advice about whether he would be considered an employee of the company, which would mean certain rights and obligations are conferred on him.

Write a legal memo to Matthew, your client, advising him on the above situation.

Your assessment instructions will look similar to a legal problem question, with a **set of facts**. It will instruct you to write a **legal memorandum, 'memo' or 'letter of advice.'** An 'in-house memo' is written to another legal colleague, whereas a letter to a client can be less technical.



Re: KB000123

In practice, at the top of the page will be a **file number** so that all records on this case are kept together. This may be optional in your assessment. Include recipient, sender, date, subject.



Recipient: Matthew Smith

Sender: Katherine c/- Student Academic Success

Date: 24/11/2022

Re: Your query on employment status

Summary

Hi Matt,

Thanks for your recent call.

This memorandum responds to your query as to whether you may be considered an employee of X Pty Ltd. As outlined below and based on the information you have provided to us, we advise that you are most likely an employee while under the terms of engagement.

This opening summary is most likely too **informal**. A legal memo is a professional document, and professional but plain, clear language should be used, i.e. 'Dear Matt, Thank you for your enquiry.'



Sometimes, the main part of a memo starts with an **executive summary**. This sets out the main issues and should state the overall findings/recommendations.



Legend

Good practice

Needs improvement

Comment

Employment status

You have provided us with your written terms of engagement, and noted that you have attended a number of staff meetings with the X Pty Ltd. You have also stated that you attended a training session run by X Pty Ltd.

Rule

The legal test for determining whether a worker is an employee or an independent contractor is the multi-factor test, confirmed by *Stevens v Brodribb*. This includes an assessment of the degree of control over the person's work.

In your situation, as X Pty Ltd requires you to attend staff meetings and have required you to attend a training session, this indicates that the company has a degree of control over your activities in relation to the work done for the company.

Findings & recommendations

Based on the above, we advise that it is likely you are an employee of X Pty Ltd.

Your status as either an employee or independent contractor affects your rights and obligations in relation to the work undertaken for the company, including your tax obligations. From here, we recommend that you make an appointment with our office to discuss these matters and your contract with X Pty Ltd.

Thank you for contacting us with this enquiry. Please do not hesitate to contact us if you have further questions about this matter.

Kind regards,

Katherine Jones

For each issue, write a separate heading. ✓

You may include a short section briefly outlining the main **facts** of the case. *This example considers only one issue, but your assessment will likely contain numerous issues.* 💡

Don't use IRAC as labels for your headings e.g. don't write 'Rule', 'Application'. Instead, **use IRAC to structure each section** under a subheading that states the legal issue. Write a sub-conclusion for each issue. ✎

Apply the law to the facts of your client's situation. ✓

Address any additional issues under separate subheadings. Order issues logically, e.g. by significance in relation to the client's question. 💡

End the memo with your **overall conclusions** about the client's situation in relation to the issues you have discussed. If required, **state your recommendations**. Be succinct and clear with your conclusions. Be realistic with recommendations and conclusions about the client's situation - avoid being overly positive or negative. 💡

You may sign off the memorandum with your name, as with a formal letter. ✓