

The MFR

by Dwayne Phillips

A few thoughts on an item that has been forgotten in the workplace, the Memorandum for the Record.

Question: Can you believe what just happened? We should tell somebody. Somebody needs to know this. What do we do?

Answer: Write a Memorandum for the Record or MFR.

Follow-up Question: A what?

Follow-up Answer: An MFR.

Enough Q&A. An MFR is a note to posterity. Someday, that heretofore unknown "somebody" will be able to read of an event pertinent to the workplace. What seemed important to somebody, the questioner above, is recorded.

Format: This is simple, but don't miss the witness step.

Memorandum for the Record

From: me

Subject: what just happened

Date:

A description of the events: Write this with almost every sentence beginning with "I," such as, "I heard this person say, I read something, I saw this person do that to that person, etc." Avoid, "That person said..." and especially verbs that imply knowing another person's intent such as, "That person threatened me." Writing in such a style may be difficult, but do it. Remove personal interpretations and emotions as much as possible. An MFR records history. It is not a novel.

Postscript: I, my name here, have written and signed this MFR on this date.

Witness: I have read this MFR on this date. My signature affirms nothing other than I read this MFR and signed it on this date.

It is better to print and sign the MFR (and have the witness do the same) and then put a scan or image of the MFR in several places on the organization's disk drives. Put a copy on several of your own disk drives. Keep the piece of paper. A safe deposit box at the bank is the best place. Put the paper in an envelope and ask the bank to stamp the date on the seal of the envelope. If you open the envelope to remind yourself of the contents, have the bank witness the opening and stamp the re-sealing. No one will take your word for it later. Remove that question.

The witness is important to everyone. Note that the witness is witnessing the writing and signing of the MFR. They did not have to witness the event being reported in the MFR. If they did witness the event, they should be a co-author and signatory of the MFR or they should write their own MFR. In such a case, another person is needed to witness the MFR.

Why is the MFR needed? It may not be needed. Otherwise, it is a record of an event that the writer deemed important at the time. MFRs, and other records of events such as an engineer's notebook, often

establish property and other rights useful in court years later. In other cases, they are not binding legal documents, but do record a person's thoughts at a point in time.

The witnesses affirm that something was recorded at a point in time close to an event. That is critical. Time blurs memory. Denial of such is folly. Records written close to events provide needed clarity.

Absence of a written and witnessed record often brings accusations of slander. "Why didn't you say something at the time?" is a much-maligned question in some circumstances, but it is a legitimate question. The MFR permits a person to "say something" that can be repeated later. Fear is real in the heart of the fearful. The MFR gives the fearful a safe place.

Read into this reminder of the MFR and advice on its use what you may. MFRs have been invaluable in disputes over intellectual property, estates, hostile work environments, and many other things. The MFR has also been a simple way to record thoughts about an event that is important to no one but myself.