

[Law Firm Letterhead]

[Date]

[Client Name]

[Client Address]

[City, State, Zip]

Re: Legal Opinion Regarding Fair Use of Unpublished Biographical Manuscripts

Dear [Client Name],

You have requested a legal opinion regarding the proposed inclusion of excerpts from the unpublished manuscript titled "[Title of Source Material]" (the "Work") by [Original Author Name] in your forthcoming biography titled "[Your Book Title]" (the "Manuscript").

1. Description of Proposed Use

We understand that your Manuscript contains approximately [Number] quotations from the Work, totaling [Number] words. These excerpts are used primarily to [describe purpose, e.g., provide historical context, illustrate the subject's internal thoughts, or verify specific chronological events].

2. Legal Analysis

Under Section 107 of the Copyright Act, "fair use" is determined by four factors:

Factor 1: Purpose and Character of Use. Your use is biographical and scholarly in nature. This is a transformative use because it adds critical commentary and historical analysis rather than serving as a mere substitute for the original Work.

Factor 2: Nature of the Copyrighted Work. While the Work is unpublished-which generally weighs against fair use-the law clarifies that the unpublished status does not bar a finding of fair use if such use is found to be transformative and limited in scope.

Factor 3: Amount and Substantiality. The excerpts used represent only [Percentage]% of the total Work. You have selected only those portions necessary to support your biographical claims, avoiding the "heart" of the creative expression where possible.

Factor 4: Effect on the Market. Because the Work remains unpublished and you are writing a critical biography, your use is unlikely to deprive the copyright holder of potential licensing fees or a future market for the original manuscript.

3. Conclusion

Based on the foregoing analysis, it is our professional opinion that your use of the excerpts constitutes "Fair Use" under United States copyright law. This opinion is based on the specific excerpts reviewed and the current state of judicial precedent.

Sincerely,

[Attorney Signature]

[Attorney Printed Name]

[Law Firm Name]