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Our Perspective on IRAC

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Our Perspective on IRAC

Abstract

In this brief article, the authors present their view of IRAC, an acronym for Issue, Relevant law, Application to facts, and Conclusion. The authors conclude that IRAC can be taught so that students understand not only why it is useful as a thinking and writing tool, but also that proper use of it requires judgment and creativity. When IRAC is presented this way, the authors assert, it can serve first-year students well as they study legal writing. And they will operate accordingly, even without being aware of its influence, during their years as practicing lawyers.

Keywords

IRAC, legal research, legal education

Disciplines

Legal Education | Legal Writing and Research

OUR PERSPECTIVE ON IRAC
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Properly understood, IRAC is a useful tool, not just for first-year students but also for lawyers. (Of course, in teaching first-year students, we should be working on tools that will be useful to them when they become practicing lawyers.) This short essay describes why IRAC is useful and how it should be understood.

IRAC is a useful tool for three distinct reasons. First, in its emphasis on the progression from a rule to application of that rule to facts, IRAC is a simple representation of deductive reasoning. Deductive reasoning is, of course, common in non-legal disciplines and daily life. It is also the mainstay of legal analysis.

Second, IRAC is a translation of a classic writing principle to the legal context. That principle is topic / elaboration / conclusion. The I in IRAC corresponds to topic, R and A to elaboration, and C to conclusion.

Third, IRAC is a strong mnemonic. We should not forget that students need to be able to remember the skills we are working on; mnemonics aid retention.

How should IRAC be understood? As we teach IRAC, we emphasize its flexibility. For us and our students, the letters carry the following meaning:

Introduction: which may be an issue, transition, topic, thesis, or conclusion;

Rule: which reflects the nature of the law involved and thus may entail, for example, a quote from a statute, a statement of a leading case, or a synthesis of several cases;

Application of the rule to the client's facts: which reflects the nature of the material and thus may be a fairly straightforward application of the elements of a rule or may be an extended case analogy;

Conclusion: which may also include a link to the upcoming topic.

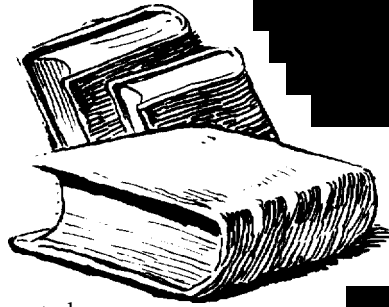
Incidentally, we use the term "application" for A, rather than "analysis," so students realize that the entire IRAC sequence contains analysis. Lurking in the rule or application segments may be a discussion of the policy behind the law and its significance for the client's situation.

We teach students that a wide range of options are subsumed within this broad IRAC template. Some IRAC discussions take only one paragraph; others run pages. On occasion, for

good reasons, a discussion will skip or repeat a letter. For example, the introduction can be skipped if the rule can carry that message. The rule and application can be merged if the rule applies in a very straightforward way to a set of facts. If the rule contains multiple distinct elements, each element has its own rule-application-conclusion sequence between the introduction and ultimate conclusion. The same repetition may occur when the analysis contains a branchpoint, due to uncertain facts or ambiguity in the applicable legal rule.

Sometimes, the IRAC template need not (or perhaps should not) be followed. For example, some analysis may not entail application of a rule to client facts; an example is discussion of how to reconcile two conflicting bits of evidence or how to proceed in the absence of facts on an important point. As another example, in persuasive legal writing, it may be strategic to discuss the client's facts first and then "back into" the legal rule, where the facts are more compelling than the rule.

In summary, IRAC can be taught so that students understand not only why it is useful as a thinking and writing tool, but also that proper use of it requires judgment and creativity. When IRAC is presented this way, it can serve first-year students well as they study legal writing. And they will operate accordingly, even without being aware of its influence, during their years as practicing lawyers.



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