

IRAC

2 of 2 Handouts on IRAC

*This handout is intended to provide you with general guidance on IRAC. Therefore, you should check with each individual professor as to how he or she would like you to prepare an exam answer for his or her course using IRAC. The examples in this handout do not necessarily reflect the correct law and are merely illustrative.

Issue

- The issue presented by the fact pattern. This is the issue you will analyze in your IRAC.
- The issue may be directly stated in the fact pattern or it may not be. If it is not stated, you will identify the issue by reading the fact pattern and using your brain to figure out the issue(s) raised by the fact pattern.
- A good format for writing your issue is the following:
 - The issue in this fact pattern is (i.e., whether the defendant meets the elements for conviction of burglary under common law)
- If a fact pattern presents an issue of whether the defendant meets the elements of a particular crime – the issue is whether the defendant meets all elements of that particular crime, unless the professor asks you to only focus on one element of the particular crime.
 - For example, there are many aspects to whether a defendant meets the elements of a crime, i.e. for burglary - breaking, entering, dwelling of another, intent to commit a felony therein. The issue is still whether the defendant meets the elements of burglary, but you will have to address all elements of burglary in your IRAC in order to answer this issue.
- Sometimes your professor will tell you what the issue is, but sometimes he or she will not. If your professor tells you please address X, then your issue is X. If your professor just says, please discuss, you have to identify all issues raised by the fact pattern and address each issue. It is always helpful to utilize an introductory paragraph providing a roadmap to the issues you will proceed to address in one or more IRACs. It is also very helpful to provide a concluding paragraph restating the conclusions from all IRACs.
- Address related issues in one IRAC, address separate issues in separate IRACs.
- If you are addressing two issues in order to reach one conclusion, address each issue in a separate IRAC, but provide an introductory paragraph providing a roadmap to both issues and then a concluding paragraph wrapping the conclusions from each IRAC together and reaching a final conclusion.
 - For example, if your professor asks you whether the defendant should be convicted of first-degree murder or second-degree murder, you need an IRAC for first-degree murder and an

IRAC for second-degree murder. You should write an introductory paragraph such as this:

- The issue is whether defendant can be convicted of first-degree murder or second-degree murder. In order to address this issue, we must analyze whether defendant has met the requirements for each degree of murder.
- At the end of both IRACs (each of which has its own conclusion on the particular degree being addressed in that IRAC), you should write a concluding paragraph such as this:
 - Therefore, since the defendant meets the requirements of second-degree murder, but does not meet the requirements of first-degree murder, the defendant can only be convicted of second-degree murder.

Rule

- The rules applicable to your fact pattern. These are going to be statutes and or legal principles you learned from cases in your course and incorporated into your outline. You will find the rules in your brain.
- You decide which rules are applicable to your fact pattern by the issues raised by your fact pattern. For example, if the defendant was not intoxicated during commission of a crime, you would not present the test for determining whether someone who is intoxicated had intent for a crime. You would still give the element of intent and the rules and framework for determining intent, but not the rules or framework for determining intent when someone is intoxicated.
- A good format for writing your rule is the following:
 - In order to convict a defendant of burglary, the State must prove that all elements of burglary have been met under common law. (Topic Sentence) Under common law, burglary is comprised of four elements. The first element requires ... Plus more sentences adding the test, framework, details, exceptions, and or caveats of the first element. The second element requires ... Plus more sentences adding the test, framework, details, exceptions, and or caveats of the second element. The third element requires ... Plus more sentences adding the test, framework, details, exceptions, and or caveats of the third element. And so on and so forth.
 - If you know the policy behind the applicable rule, you should lay that out after you've laid out and explained all elements.
 - There must be complete symmetry between your rule section and your analysis section. If you want to discuss ANY LAW in your analysis section, you MUST lay that law out in your rule section. Similarly, if you lay out a law in your rule (or policy or standard) section, you MUST address that

rule, policy, standard in the analysis section.

Analysis

- The application of your “R” section to your facts.
- This is where you will address each item from your “R” section. You will address each part of your “R” section in the order in which each part was presented in the “R” section. Do not address a rule in your analysis section that you did not also present in your “R” section.
- You will address each element of your “R” section and why that element was or was not met.
 - A good format for your “A” section is as follows:
 - In the case at hand, the defendant cannot be convicted of burglary because all four elements of burglary have not been met. (Topic Sentence) The first element requiring **[very brief catch word(s) for the element, i.e. intent to commit a felony, breaking, an entry]** is not met because *[describe facts speaking to the element – these are facts from the fact pattern]*. ADD additional sentences when an inference is required from the facts to understand how those facts show that an element is met or not. The second element requiring [...] is also not met because *[describe facts speaking to the element and optional explanation when inference is needed]* [...] As for the fourth element, the defendant’s conduct meets **[very brief catch word(s) for the element]** because *[describe facts speaking to the element]*. You may need more than one sentence to fully explain how and why an element is or is not met. DO NOT refer to elements as Element One, Element Two!! Tie a clear label to elements and consistently use that label in referring to those elements.
 - For example: The third element requiring that defendant **enter the dwelling of another** is not met because *Joe entered his own home*. Even though *Joe’s wife did not want him in the home*, the **home is still not the dwelling of another** because *Joe’s personal belongings were in the home, which indicates Joe had not moved out*. The fact that *Joe and his wife were separated at the time and Joe did not live in the home* does not change the fact that *the home belonged to him* and therefore, **it is not the dwelling of another**.
 - This is a hypothetical analysis to a hypothetical problem utilizing hypothetical rules. If this example is part of your analysis, you should have provided rules in

your “R” section on the situation where the dwelling belongs to the person, but he or she does not live there. You should have provided the test or rule for how to deal with a situation where the defendant enters a home he or she owns in order to be able to analyze the issue raised by your fact pattern in this “A” section. Without a rule that speaks to your situation, i.e. a rule that can guide you to answering the issue, you cannot do analysis!! You MUST DEFINE EVERYTHING. You cannot for example say, “consideration is required” without ALSO defining and providing the elements for consideration.

- In explaining why each part of your “R” section is or is not met, you must be overly explanatory, i.e. no conclusory statements. Pretend that a three-year-old child is sitting next to you asking you, “why?” after each sentence you write. Respond to that three-year-old child by writing how the facts support what you just wrote until it cannot be explained any further. Everything must be fully explained. Use facts from the fact pattern to explain your analysis. Every sentence in your analysis section must have at least two parts: (1) a legal conclusion & (2) facts from your fact pattern.
- The analysis section is also where you would discuss policy considerations. Be sure to include the fact that the court looks at a particular policy in addressing your issue in your “R” section so you can address that policy in your “A” section.

Conclusion

- The result of your analysis with a brief reason for this result.
- A good format to follow for this “C” section is as follows:
 - Therefore, since all four elements of burglary have not been met, the defendant cannot be convicted of burglary under the common law. OR
 - Therefore, the defendant cannot be convicted of burglary under common law because all four elements of burglary have not been met.