**The IRAC Formula**

IRAC (*Issue*, *Rule*, *Analysis*, and *Conclusion*) forms the fundamental building blocks of legal analysis. It is the process by which *all* lawyers think about *any* legal problem. The beauty of IRAC is that it allows you to reduce the complexities of the law to a [simple equation](http://www.lawnerds.com/guide/exam.html#The9-StepExamWritingFormula).

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| **I**SSUE | -> What *facts* and *circumstances* brought these parties to court? |
| **R**ULE | -> What is the *governing law* for the issue? |
| **A**NALYSIS | -> Does the rule *apply* to these unique facts? |
| **C**ONCLUSION | -> How does the *court's holding* modify the rule of law? |

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**Issue Spotting - The First Step**

*"The facts of a case suggest an Issue."*

The key to issue spotting is being able to identify which facts raise which issues. Because of the complexity of the law, the elimination or addition of one fact (such as time of day or whether someone was drinking) can eliminate or add issues to a case thereby raising an entirely different rule of law.

In law school casebooks, the easiest way to isolate the issue is to merely look at the chapter headings of the cases, such as "Personal Jurisdiction" in Civil Procedure or "Offer and Acceptance" in Contracts. The cases you read will also contain language that signals the important issue. For instance, the judge will simply state:

*"The case turns upon the question whether...." OR "We come then to the basic issue in the case."*

However, you need to develop issue-spotting skills on your own in order to do well on the [exam](http://www.lawnerds.com/guide/exam.html#What'sBeingTested?) and become an effective lawyer. During the exam the professor is not going to state the issue. Ask yourself some of these questions as you read the case:

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**Questions to ask when reading a case:*** What *facts and circumstances* brought these parties to court?
* Are there *buzzwords* in the facts that suggest an issue?
* Is the court deciding a *question of fact* - i.e. the parties are in dispute over what happened - or is it a *question of law* - i.e. the court is unsure which rule to apply to these facts?
* What are the *non-issues*?
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Whenever you read a case, state the issue as a question turning on a set of particular facts. See the [examples](http://www.lawnerds.com/guide/irac.html#IRACExamples) to see how it is done. By incorporating particular facts into the issue, you build a database of issues for the exam.

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**Rule - What is the Law?**

*"The issue is covered by a Rule of law."*

Simply put, the rule is the law. The rule could be common law that was developed by the courts or a law that was passed by the legislature.

**For every case you read**, [extract](http://www.lawnerds.com/guide/rules.html#ExtractingtheRule) the rule of law by breaking it down into its component parts. In other words, ask the question: what elements of the rule must be proven in order for the rule to hold true?

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| **Questions to ask when reading a case:*** What are the *elements* that prove the rule?
* What are the *exceptions* to the rule?
* From what *authority* does it come? [Common law, statute](http://www.lawnerds.com/guide/rules.html#TaxonomyofRules), new rule?
* What's the underlying *public policy* behind the rule?
* Are there *social considerations*?
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The trap for the unwary is to stop at the rule. Although the rule is the law, the art of lawyering is in the *analysis*.

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**Analysis - The Art of Lawyering**

*"Compare the facts to the rule to form the Analysis."*

This important area is really relatively simple. For every relevant fact, you need to ask whether the fact helps to prove or disprove the rule. If a rule requires that a certain circumstance is present in order for the rule to apply, then the absence of that circumstance helps you reach the conclusion that the rule does not apply. For instance, all contracts for the sale of goods over $500 have to be in writing. Consequently, in analyzing a contract for the sale of goods, you apply the presence or absence of two facts - worth of good and whether there's a written contract - in order to see whether the rule holds true.

The biggest mistake people make in exam writing is to spot the issue and just recite the rule without doing the analysis. Most professors know that you can look up the law, but they want to test whether you can apply the law to a given set of circumstances. The analysis is the most important element of IRAC since this is where the real thinking happens.

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| **Questions to ask when reading a case:*** Which facts help prove which elements of the rule?
* Why are certain facts relevant?
* How do these facts satisfy this rule?
* What types of facts are applied to the rule?
* How do these facts further the public policy underlying this rule?
* What's the counter-argument for another solution?
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**Conclusion - Take a Position**

*"From the analysis you come to a Conclusion as to whether the rule applies to the facts."*

The conclusion is the shortest part of the equation. It can be a simple "yes" or "no" as to whether the rule applies to a set of facts. A clever professor will often give you a set of facts that could go either way in order to see how well you analyze a difficult issue. The mistake many students make is to never take a position one way or the other on an issue. Most professors want you to take a position and support it in order to see how well you analyze.

Another common mistake is to conclude something without having a basis for the opinion. In other words, students will spot the issue, state a rule, and then form a conclusion without doing the analysis. Make sure that whatever position you take has a firm grounding in the analysis. Remember that the position you take is always whether or not the rule applies.

If a rule does not apply, don't fall into the trap of being conclusive on a party's liability or innocence. There may be another rule by which the party should be judged. In other words you should conclude as to whether the rule applies, but you shouldn't be conclusive as to whether some other result is probable. In that case, you need to raise another rule and analyze the facts again.

In addition, the conclusion should always be stated as a *probable result*. Courts differ widely on a given set of facts, and there is usually flexibility for different interpretations. Be sure to look at the validity of the opponent's position. If your case has flaws, it is important to recognize those weaknesses and identify them.

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| **Questions to ask when reading a case:*** What's the [*holding*](http://www.lawnerds.com/guide/briefing.html#Holding) of the case?
* Has the holding *modified the existing rule* of law?
* What is the *procedural effect* of the holding? Is the case overturned, upheld or remanded for retrial?
* Does the holding further the *underlying* [*policy*](http://www.lawnerds.com/guide/briefing.html#Policy) of the rule?
* Do you agree with the *outcome* of the case?
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**The IRAC Triad**

IRAC is a good model for first year law students. However, in the pressure of the exam, many students leave out the most important part of the equation - the [analysis](http://www.lawnerds.com/guide/irac.html#Analysis). In order to illustrate the important of the analysis, I've modified the traditional model into what I call the IRAC Triad.

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| The IRAC Triad emphasizes the *Analysis* by using the *Facts*, *Issue* and *Rule* as building blocks. The *Analysis* is the end product and primary goal of the IRAC Triad, but the role that facts play in forming the analysis is highlighted.**Step 1:** The *facts* of a case suggest an **Issue**.The legal issue would not exist unless some event occurred.**Step 2:** The *issue* is governed by a **Rule** of law.The issue mechanically determines what rule is applied.**Step 3:** Compare the facts to the *rule* to form the **Analysis**.Do the facts satisfy the requirements of the rule?The Triad is actually just a simple flowchart in which the facts can be pigeonholed into a **Conclusion**. |

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**IRAC Examples**

In each one of these examples, a hypothetical fact pattern is broken into IRAC elements by using the three steps of the IRAC Triad.

**Contracts Hypothetical**

**Facts:**

An old man who is very ill and near death makes an oral contract with his nephew. The terms of the contract are that the uncle will immediately give his nephew all of his life savings - $100,000 - in return for the nephew's promise to provide food and shelter for the old man until the man dies. The nephew takes the money and supports the old man at a cost of $10,000 a year. The old man lives longer than expected and is still alive after fifteen years, at which point the nephew cuts the old man off without further support.

**Issue:**

Is an oral contract valid after fifteen years?

*Note that the issue is stated in the form of a question and uses key facts to illustrate the problem. Don't be alarmed if you didn't see the issue right away. By reading case law in contracts, you will learn that these sorts of factual situations give rise to issues surrounding whether a contract is valid.*

**Rule:**

A contract must be in writing if it is not possible to perform the contract within one year. - Statute of Frauds

*The issue immediately triggers the appropriate rule. Again, the appropriate rules are something that you will learn in your first year of contract law.*

**Analysis:**

The Statute of Frauds does not state that the contract must be performed within one year. It only states that it must be possible to complete the contract within a year. Since a very ill, old man could have died within one year, it is possible that the contract could have been completed.

*This analysis shows how closely you must pay attention to the wording of a rule. The words "not possible" indicate that a remote possibility of being able to complete the contract means the rule does not apply.*

**Conclusion:**

The Statute of Frauds probably does not apply in these circumstances, and the oral contract is not invalid even though it was not completed within one year.

*Conclusions should be short and put in terms of a probability.*

**Civil Procedure Hypothetical**

**Facts:**

1. Patricia sues Daniel in *federal* district court over money that she says he owes her.

2. She wins her case.

3. Daniel appeals the decision in the federal appellate court, which overturns the lower court's decision on a technical error.

4. Patricia appeals to the U.S. Supreme Court, and the court refuses to hear the case.

5. Patricia attempts to sue Daniel a second time in the *state* court system over the same issue of the money she says he owes her.

**Issue:**

Does the fact that Patricia took her case to the highest federal court and lost prevent her from starting the same case in a state court?

*Civil Procedure questions quite naturally focus on whether a plaintiff or defendant has correctly followed the rules in bringing a case to court. Civil Procedure generally does not focus on the substance of the dispute - i.e. whether the plaintiff or defendant wins.*

**Rule:**

The principle of *res judicata* states that once a final judgment on the merits has been made on a particular case, the plaintiff is barred from bringing that same case against the same defendant in the same or different court.

**Analysis:**

Since Patricia appealed the case to the highest court, a final judgment is considered to have been made on the matter. She has exhausted all of the potential appeals by going to the highest court which has ruled on her case. If she attempts to bring the same cause of action (i.e. the same particular facts and controversy) in state court, then Daniel can argue to have the case thrown out of court using the principle of res judicata.

**Conclusion:**

Patricia cannot bring the case in state court.

**Criminal Law Hypothetical**

**Facts:**

Just as the sun is setting one night, Carl sees that the door to Vince's house is ajar. Carl knows that Vince has a home office in which there is expensive computer equipment. Carl pushes the unlocked door open, walks into the house and steals Vince's computer equipment that is valued at well over $5000.

**Issue:**

Is opening an unlocked door to a building at twilight to commit a theft sufficient to constitute a charge of burglary?

**Rule:**

The common law requirements for a burglary are that there be: 1) a breaking 2) and entry 3) of a dwelling 4) of another 5) at night 6) with the intent of committing a felony therein.

**Analysis:**

*Element 1)* Although the door was ajar and unlocked, Carl's merely opening the door was sufficient minimal force to constitute a breaking since the nearly shut door was meant to deter unwanted entry. No actual breaking of the door or lock is necessary.

*Elements 2, 3 and 4)* Carl clearly entered the house, which is not his own. The house is considered a dwelling since Vince regularly uses the house for sleeping purposes.

*Element 5)* Whether it would be considered night at twilight is determined by whether Vince's face could be discerned in natural light at that hour.

*Element 6)* Stealing items worth $5000 is a felony in all states.

*Notice how methodically each element is proven using the facts provided. Even though something like entering seems self-evident, the fact that the defendant actually crossed the threshold has to be stated in order for the legal analysis to be complete.*

**Conclusion:**

Vince is probably subject to a charge of burglary even though it was not technically nighttime and the door was unlocked.

**Torts Hypothetical**

**Facts:**

Peter and Doug are neighbors who hate one another.

One day, Doug is nailing some boards together on the common sidewalk that he shares with Peter.

In a classic slapstick comedy move, Doug picks up a board just as Peter is passing behind him and swings around so that the back end hits Peter in the head.

The smack in the head causes substantial injury to Peter.

**Issue:**

Is existing malice between two people enough to show the intent necessary for liability for battery?

**Rule:**

The three elements of battery are: 1) a harmful touching of another person 2) the defendant caused the touching to occur directly or indirectly and 3) the touching was intentional.

**Analysis:**

*Element 1)* The hitting of Peter in the head with a board is considered harmful since it caused substantial injury.

*Element 2)* Doug directly caused the injury since he was physically holding the board as it swung into Peter.

*Element 3)* The question of whether Doug intended to hit Peter is a matter of fact that must be decided by a jury. The fact that Doug hated Peter may weigh in the matter but is not dispositive. Doug must have known that Peter was behind him and intentionally swung the board so as to purposefully harm Peter.

**Conclusion:**

Without further evidence, the facts do not appear to indicate the intent necessary for Peter to sue Doug for the tort of battery.