Anatomy of a Legal Brief: Legal Analysis and Writing

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IRAC – FIRAC
Issue
Rule
Analysis
Conclusion
What Is the FIRAC/IRAC Format?

IRAC forms the fundamental building blocks of any legal analysis. It is the process by which all lawyers think about any legal problem. The wonderful thing about IRAC is that it allows you to reduce the complex to the simple. It allows you to reduce the complexities of the law and the case by use of a simple formula.

• Facts
• Issue
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Facts

Issue

Rule

Analysis

Conclusion
How to Brief a Case

“Very brief”

Facts: What are the “material facts”?

Issue: What is the controversy?

Rule: What law does the court rely upon to make a decision?

Analysis: Balancing the facts and the law

Conclusion: The conclusion to the controversy
Building Blocks

**Facts>** Set out the “material facts”

**Issue>** Why are these parties in court? What facts and circumstances brought them to court?

**Rule>** What law governs the specific legal issue?

**Analysis>** How does the rule identified apply to these specific facts?

**Conclusion>** What is the result once you have applied the rule of law to the specific facts of your case?
How to IRAC

Issue

The legal issue is the most important element in the analysis. It is the identification of the legal issue and must be stated in a way to show what is in controversy. The legal question ties together the rule and the facts particular to the problem you identified.

Key: The issue is always phrased as a question.

State the issue by creating the legal question presented by the facts. To find the issue, ask: “What is in controversy in these facts?”

Example: The issue is whether John committed the tort of conversion when he refused to return the borrowed tools?

How to IRAC

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State the issue by creating the legal question presented by the facts. To find the issue, ask: “What is in controversy in these facts?” Example: The issue is whether John committed the tort of conversion when he refused to return the borrowed tools?
> Whenever you read a case, you want to take note of the **material facts**. A material fact is a significant fact, and a significant fact is any fact that tends to prove your case, or tends to establish a point that is crucial to a person's position.

**Issue Spotting and Material Facts**

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?  How  Where  When  Why  Who  What  Which
Issue Spotting and Material Facts

Questions to Ask When Reading a Case:
> What facts and circumstances brought these parties to court?
> Are there keywords in the facts that suggest an issue? Example: “He hit me”.
> Is the court deciding a question of fact? For example, are the parties in dispute over what happened, or is it a question of law, a matter the judge must decide?
> Omit the non-issues!

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State the Law
Rule

> After you have the issue, you have to locate the applicable rule of law. The rule and the facts are inextricably linked, and your analysis of the facts will not make sense unless you have first identified the rule of law which determines the legal meaning you are to give those facts. The rule could be common law that was developed by the courts, or a law that was passed by the legislature (statute).

Elements to Consider for the Rule

> Elements
> Definitions
> Defenses
Rule – cont.

Questions to ask when reading a case:
> What are the elements that prove the rule? (Negligence = Duty, Breach, Causation, Damages)
> What are the exceptions to the rule?
> From what authority does it come? Common law, statutes, or a new rule?

Final Consideration
> What does application of the rule mean here? What will be its effect?

Rule – cont.

Questions to ask when reading a case:
What are the elements that prove the rule? (Negligence = Duty, Breach, Causation, Damages)
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Final Consideration
What does application of the rule mean here? What will be its effect?
> The analysis or application is the heart of the discussion. It is where you examine the issues raised by the facts in light of the rule of law you identified. Your statement of the rule is what will help you organize the analysis.
Analysis
“A”

> You simply match up each element you have identified in the rule (in order) with a fact, to make the connection between rule and fact. 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. The analysis is the most important element of IRAC since this is where the real thinking happens.
Conclusion

“C”

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.

> You always want to take a position one way or the other on an issue. The bottom line is to take a position and support it.
Conclusion – cont.
“C”

Be sure to conclude each issue before drawing your final overall conclusion.

Key Note: Repeat the process for each issue you identify where each issue forms the basis for a separate IRAC analysis. So if you have a battery claim, a conversion claim, and a fraud claim, each one of those claims must have its own IRAC analysis. Remember – the brief is to simplify and allow another to read the brief and understand the case.
Conclusion – cont.  
“Warning....”

➢ Avoid a conclusion that concludes something without having a basis for the opinion. In other words you don’t want to spot an issue, add the rule, and conclude. You have to perform the analysis – Make the application of law to facts in order to have a sustainable legal conclusion.

➢ Remember that the position you take is always whether or not the rule applies.

Conclusion – cont.

Warning

➢ Avoid a conclusion that concludes something without having a basis for the opinion. In other words you don’t want to spot an issue, add the rule, and conclude. You have to perform the analysis – Make the application of law to facts in order to have a sustainable legal conclusion. Remember that the position you take is always whether or not the rule applies.
Conclusion—cont’d

“Warning....”

> If a rule does not apply, you can’t conclude whether a party is liable or not. There may be another rule by which the party should be judged. You may 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. It is better to say that “Therefore, it is likely that...”, than to provide a definitive conclusion.
Questions?
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