

HOW TO ANSWER PROBLEM QUESTIONS USING THE IRAC METHOD

Problem questions are common type of question in law units. When you get a problem question you will get a set of facts you have never seen before, and you will have to explain what will happen when the law is applied to the facts.

When you answer a problem question, you should divide your answer into four parts using the IRAC (Issues, Rule, Application, Conclusion) format:

ISSUES

Here you state the legal issues that arise from the problem. These should always be framed **in the form of short, simple questions** - that is, the questions of law that the parties are arguing about. Examples of this are: 'Is Tom liable to Brad in contract?', 'Has Frank breached his duty to act in the best interests of the corporation?', 'Is Mary liable in negligence to Tom?', 'If Mary is liable to Tom, are and defences available to her?' Note that because they are questions, they should end with a question mark.

When identifying the legal issues, you should think carefully about the law you have learned and ask yourself what parts of the law are relevant to the facts, as this will indicate to you what the legal issues are.

RULE

In this section, you state the rules of law that are relevant to each of the issues you identified. Statutes are the most important source of law, followed by case law. Statutes and case law constitute **binding** authority, so you must cite these if they are available. When citing cases it is not necessary to explain their facts - the rule of law they contain is all that is needed.

If there are no relevant statutes or cases, you may cite textbooks and material from the subject Modules, but it should be remembered that whereas statutes and cases are binding sources of law, textbook writings and the Modules are merely **persuasive**.

Please also remember that when you are discussing the law you should do so **in the abstract** - you **do not** refer to the facts of the problem in the Law section of your answer.

Remember also to explain **all** the law you want to rely on in your answer in your Rule section - you **should not introduce new law** in the Application section.

APPLICATION

In this section, you apply the law to the problem. Here you must refer both to the facts of your problem and to the law you discussed in your Law section, and in so doing show what the result will be when you apply the law to the facts.

CONCLUSION

You should end your answer with a conclusion in which you write brief sentences answering the questions you formulated in the Issues part of your answer.

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S. I. Strong



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