LAW112 Residential School
Legal Problem Solving - IRAC
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Why does it matter?

- Critical thinking and problem solving are professional skills that you must have.
- To solve legal problems in the real world.
- To solve legal problems during your studies at CSU.
- IRAC as one methodology.
IRAC Method of Legal Problem Solving

1. Identify ISSUES
2. Identify relevant RULES that the issues raise
3. APPLY the rules to the facts of the case
4. Come to a CONCLUSION- one that answers your question and makes a stand
Issues

- Identify the issues that are key to the dispute.
- Frame your issues as a question to be answered.
- Each issue should raise a basic rule of law e.g: do the circumstances give rise to a duty of care?
- Do not repeat the question, facts or sections of the Act or extracts from cases.
Rules

• Identify precisely the legal rules (legislative provisions and case law) that pertain to your listed issues. Don’t provide the rules if you don’t have an issue that relates to them.
• Do not cite secondary material as a statement of the Rules.
• Work both sides of the argument: “Advise” means pros and cons. E.g.: There is a cause of action in battery, however the defendant may raise the defence of implied consent. Do not cite cases without applying them and do not fail to identify the principle a case illustrates or stands for.
Application of the Rules

• This is where you apply the law to the particular facts of the case.
• Use primary sources as statements of the law and provide citations. DO NOT use secondary sources (i.e.: your module notes, your text book).
• Explain what that legal principle is relevant to the issue.
• If relevant, explain how a legal principle can be distinguished.
Conclusion

• Answer the questions you have raised in the issues section.
• Make a call. You may be wrong, but you should have showed your working, for which you will obtain some marks.
• Be decisive, e.g.: On balance, Stefan has a cause of action against Amal for trespass to land with respect to the intrusions to land by the crane and scaffolding.
• Do not equivocate.
What is the Legal Research Process?

Legal Research Strategy
IRAC & Library Resources

The IRAC method provides a structure to help you answer legal problem questions.

**Issue**
- What happened?
- Who did it happen to?
- Where did it happen?
- What is the area of law?

**Identify the issues & principles**

**Rules/Relevant law**
- Identify the relevant case law & legislation.
- Remember! It is really important to research legal principles rather than facts of the case.

**Gather background information**
- Use textbooks, dictionaries, encyclopedias, journals & commentaries.

**Locate key case law or legislation**

**Update the law**
- Use Case Citators & check Legislation Amendments.

**Apply to the facts**
- Why are the plaintiff's claims or aren't justified?
- How will the law be used to argue the case?

**Apply the law**
- Use the Legal Research Skills Guide for help with legal research.

**Conclusion**
- Stand back and play judge - who is liable and to what extent?
- How could this have been avoided?

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Questions?