

A Quick Guide to IRAC & CRAC

What is it?

- IRAC = Issue, Rule, Analysis, Conclusion
- CRAC = Conclusion, Rule, Analysis, Conclusion
- Method for organizing legal analysis so that the reader can follow your argument
- Especially helpful in writing exams (IRAC) and legal memos (CRAC).

How to do it?

As an example, we will look at whether someone can sue for battery as a result of inhaling second-hand smoke. The issue we will look at is whether there is contact, which is required for a battery claim.

Issue

- First state the question or problem that you are trying to answer (what might bring the parties into court). This can be in the form of a question or a statement depending on what your reader prefers. Examples:
 - “There is an issue as to whether contact occurred when the plaintiff inhaled the second-hand smoke.”
 - “Does contact occur when one inhales second-hand smoke created by another?”
- In legal memos, however, one may state the conclusion up front (in case the reader is too busy to read through the entire analysis. Some professors also prefer that you state the conclusion up front.

Rule

- State the rule or legal principle. This may take the form of stating the elements required for a prima facie case.
 - “The prima facie case for battery requires the following elements: an act, intent, contact, causation, and harm.”
- Some professors do not want you to explicitly state the rule (i.e., “The rule is...”). Rather, they prefer that you imply it in your answer. In other words, cut to the chase by focusing your rule statement on the part of the rule or element that is at issue.
 - “The offense of battery requires contact with the plaintiff’s person.”

Analysis

- This is where you state your evidence and explain how you will arrive at your conclusion. You may cite other cases, discuss policy implications, and discuss (discount?) cases that run counter to your conclusion.

- Make sure that you weigh both sides and make counterarguments where appropriate.
- Use case law, analogizing and distinguishing, and policy (for example, the goals of tort law) to work your way to a conclusion.
 - “In Howe v. Ahn, the court held that noxious bus fumes inhaled by a passerby constitute harmful and offensive contact. Although the court has not extended this holding to a case involving second-hand smoke, numerous cases have likened second-hand smoke to air pollution (for example, Fox v. Abernathy). Policy considerations also favor finding contact in the present case. If one can prove harm as a result of inhaling second-hand smoke, it is better for the smoker to compensate the victim than burden the state.”

Conclusion

- “The court is likely to find that harmful contact occurs when a smoker releases second-hand smoke into the air and that air is inhaled by a bystander.”