



IRAC: Still the Best Organizational Solution

Have you ever read a brief and struggled to discern the legal basis for the argument (or even what the argument was)? Unraveling the snarled argumentative thread in such a brief is a tedious task, and sometimes a futile one. Responding to a muddled brief can be maddening; you must address phantom arguments, risking making a stronger case for your opponents than they can make for themselves.

Rest assured, though, that judges and law clerks find these briefs even more maddening than you do. After all, they must decide the issue, whatever it might be. While it may be entertaining to picture opposing counsel wasting a weekend deciphering the legal arguments behind the Application for Temporary Restraining Order that you served at 4:00 p.m. on Friday, that is hardly a savvy strategy for winning your case, building a reputation in the legal community, or—most important—serving your clients’ interests.

So how do you avoid being that attorney with the indecipherable brief? Chances are that the major issue plaguing any befuddling piece of legal writing is incoherent organization. And the best way to organize the argument section of a brief or motion remains that old law-school standby: IRAC.

Remember IRAC? (If you graduated from law school more recently, your professors may have called it CREAC, CRAC, BARAC ... but all follow the same basic principles.) For each legal argument or sub-argument, you first identify the issue. Then you state and explain the legal rule that you argue should apply. As you explain the legal rule, you discuss the facts and reasoning of the applicable cases, to the extent that they help resolve your case. After that, you apply the rule you just explained to the facts in your case. In so doing, you will compare and contrast the facts of the governing cases with the facts in your case. Finally, you will conclude: You win because your facts and the law compel the outcome you urge.

I know, I know. I can hear you groaning. But trust me: IRAC works, and it works because it echoes the structure of effective legal reasoning.

Most effective legal argument employs deductive reasoning. Deductive reasoning makes connections between a series of true premises to reach a conclusion. If all premises are true, then the conclusion must be true. If any premise is flawed, the conclusion is unreliable. For example:

- Premise #1: If an angle is less than 90 degrees it is an acute angle.
- Premise #2: Angle A is 45 degrees.
- Conclusion: A is an acute angle.

Or:

- Premise #1: If it’s raining, I’ll meet you inside the coffee shop.
- Premise #2: It’s raining.

- Conclusion: Therefore, I’ll meet you inside the coffee shop.


Substitute “Rule” for “Premise #1” and “Facts” for “Premise #2” and the structure of deductive reasoning starts to look an awful lot like IRAC:

- Premise #1/Rule: A written acceptance of an offer is effective if sent in the mail, with postage, before the offer’s deadline, unless the offer required acceptance by personal delivery on or before the offer’s deadline.
- Premise #2/Facts: Here, Jones drafted a letter accepting the contract, placed it in a stamped envelope addressed to Lee, and placed it in the outgoing mail slot at the local post office. Moreover, Lee’s offer contained no requirements regarding the mode of acceptance.
- Conclusion: Therefore, Jones effectively accepted Lee’s offer.

Obviously, I oversimplify. Most cases will pose more complex legal issues—like, perhaps, whether email triggers the “mailbox rule”—and you will need to spend more time explaining and illustrating your “Premise #1/Rule” and making explicit the connection to your “Premise #2/Facts.” And your brief likely will include numerous “IRACs,” one for each legal element or issue you argue.

Of course, IRAC does not work for every brief. But it works for the vast majority, and a brief that follows IRAC certainly works better than one that pinballs from fact to conclusion to snippet of law to fact, or, worse yet, one that seems untethered to any law whatsoever.

The most important principle to remember, though, is even simpler than IRAC: Give your reader the law first. Tell your reader the rule that you are going to apply; explain, illustrate or clarify that rule by discussing helpful examples from binding cases; and only then begin applying that law to the facts of your case.

If you can frame that structure with strong, persuasive conclusions, you will deliver clear legal arguments every time. 

Welcome to the reintroduction of a favorite feature on good legal writing. If there are writing topics you’d like to see covered, write to arizona.attorney@azbar.org

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