

IRAC

Issue

Rule of Law

Application of Law

Conclusion

A *legal memorandum*, or *brief*, is a method paralegals and lawyers use to relate the applicability of specific authorities to a client's facts.

The heart of any memorandum or *brief* is the analysis. Legal analysis is the application of law to fact. There is a specific structure to legal analysis. This structure is often referred to as the **IRAC** method. The method presented here is a modification of the IRAC method.

http://www.paralegalstudies247.com/help/help/legal_analysis.htm

Legal Analysis: Cases

http://www.paralegalstudies247.com/help/help/legal_analysis.htm

Issue / Introduction

Rule

Application

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Issue (Introduction)

Provide a statement introducing the issue, or how courts have generally dealt with the issue.

Rule

The Rule is the law, or authority, being relied upon. Note that if the authority is a case, the writer must inform the reader of the facts of the case, then quote the case. The quotation should provide some form of legal logic of the court, often called the court's reasoning.

Application

The most important part of the analysis. Apply the law to your client's facts, comparing the two.

Conclusion

Determine the answer to the issue being analyzed.

Every analysis is based upon an issue. An issue is a question that the court must answer. The issue should usually be provided by the attorney. A single issue may analyze one authority, or multiple authorities. If multiple authorities are analyzed within an issue, the writer should utilize the steps of the IRAC method for each individual authority cited. You must analyze and apply each law on its own merit, not collectively. Therefore, when applying authority, you do not need to tie every case and statute relied upon together. Analyze each authority individually.

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COMPARING CASES

Let's assume you're working on a case involving assault with a deadly weapon, and that your client is charged with hitting a man with a baseball bat. If, in your research, you find a case in the law library where a man attacks his brother-in-law with a walking cane, you may want to compare those facts with your client's facts since they are so similar. The case would be relevant to your client since a walking cane and a baseball bat might be viewed as comparable.

However, comparing a case where the deadly weapon was a shotgun (instead of some sort of stick) would not be nearly as relevant. It would also be irrelevant to bring up the fact that in the walking cane case, the Defendant was also charged with theft. Only discuss the relevant facts. Of course, after discussing the similarities and differences, you must discuss how the court held and, therefore, how it might influence the court in your client's case.

It's tempting to start the analysis by citing the case being relied upon. But it's important to remember that the court's ultimate decision should be the focus of the analysis. Therefore, a good rule of thumb is not to start a paragraph with "In Smith v. Jones, the court held...." Instead, follow these steps:

If the writer disciplines himself or herself to utilizing each of these steps for each authority being analyzed, not only is the process made easier, the final product is stronger. The result is also a product an attorney will recognize and respect.

EXAMPLE:

Can a baseball bat be considered a deadly weapon?

In cases involving assault with a deadly weapon, courts have held that even objects not designed for assault can be considered deadly weapons. In the case State v. Hayden, 134 S.W.2d 442 (Tenn. 1977), the Defendant was charged with attacking a waiter with a walking cane after the waiter insulted the Defendant's tipping habits. The Defendant was convicted and the Supreme Court of Tennessee affirmed the lower court's decision. The Supreme Court held that:

...it is not the intended design of the object that determines liability but the potential the object has to inflict serious bodily harm. By way of example, an assault with an automobile may result in attempted murder charges being filed despite the fact that an automobile is certainly not designed for murderous acts.

In the instantcase, the Defendant attacked with a baseball bat. Although not designed with that intent, a baseball bat has even more "potential...to inflict serious bodily harm" than does a walking cane. It would therefore appear that our client committed an assault with a deadly weapon.

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DISTINGUISHING CASES

When comparing a case, one tends to concentrate on the similarities. When distinguishing a case, highlight why the differences in a case 1) may be relevant, or 2) make the case inapplicable. Let's assume a case is found in which a man was found not guilty of assault with a deadly weapon after shooting his girlfriend with a pistol. Does this case mean your client will be found not guilty since his weapon was even less deadly? Not necessarily. You must determine whether there were any distinguishable facts. Here is an example:

EXAMPLE

Can a baseball bat be considered a deadly weapon?

Of course, circumstances may dictate whether an event was actually assault .

In *State v. Bird*, 250 S.W.2d 382 (Tenn. Ct. App. 1980), the Defendant was attacked by his girlfriend with a heated curling iron. He was unable to escape. In self-defense, he picked up a loaded revolver and shot the woman in the right leg. In that case, the court ruled that the attack by the Defendant did not constitute assault with a deadly weapon. The court of appeals upheld the trial court's decision, and reasoned that, "The court must consider whether Defendants, who are in situations that could result in severe physical injury to themselves, intend every act they engage in to be deadly."

Bird is distinguishable from the instantcase in that there is no claim of self-defense in our client's case. He picked up the baseball bat and approached the victim from behind before hitting him in the leg. Therefore, *State v. Bird* should not be used as a defense in our client's case.

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