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Why IRAC Should Be IGPAC

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From the editors....

You probably notice that this issue of *The Second Draft* is about twice its usual length. We expanded this issue to allow us to include the many responses we received to our call for comments on the use of IRAC in the first year curriculum. Many thanks to all who contributed.

The Spring 1996 issue will be correspondingly shorter. We will forego a substantive theme for that issue and limit the issue to informational items. Please mail, preferably on disk, items for the News, Achievements, and Letters to the Editors sections to Joan Blum at Boston College Law School, 885 Centre Street, Newton, MA 02159-1163 by February 15, 1996. We plan to devote the Fall 1996 issue to summaries of presentations at the 1996 Conference of the Legal Writing Institute.

... Francine Sherman, Jane Gionfriddo, and Joan Blum
Boston College Law School

The Value of IRAC

IRAC is a tool many of us use to help students provide structure to legal analysis. Students use this tool not only in writing objective and persuasive memos and briefs, but also in writing answers to examination questions. The following comments, highlighted by the "Point/Counterpoint," present a wide range of views on the efficacy of this tool.

Just about every comment sees some danger in using IRAC without flexibility. Beyond that the comments divide roughly into two categories: those that see any standard structural scheme as potentially truncating or skewing legal analysis and those that recognize the value of a standard structure, but may see a need to modify the elements of IRAC to a greater or lesser extent.

Res ipsa loquitur!

WHY IRAC SHOULD BE IGPAC
BARBARA BLUMENFELD
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While IRAC is generally a good organizational tool, I find that the R or rule part of this formulation is often unclear to students. Despite what they are taught in class, many want to see “rule” as a general premise only, forgetting that it must also include fact specific examples of how that general premise has been applied in the past. This failure leaves them without any precedent to which they can analogize the facts of their own case.

Students must be reminded that the R part of IRAC consists of two pieces: a general rule usually derived from a statute or caselaw, and cases that explain that rule and illustrate how it has been applied to specific fact situations in the past. This second part consists of relevant precedent. The R of IRAC then becomes G (general rule) and P (precedent). IRAC thus becomes IGPAC.

By actually dividing the R into two pieces for teaching purposes, students more clearly grasp the necessary components of a rule section as it appears in a memo’s discussion or the argument section of a brief. If students outline using this format they will be more likely to

include fact specific holdings from precedent. Then, when they get to the application (A) section of their IRAC/IGPAC they will have facts to which they can analogize and distinguish their own facts as they prove their conclusions.

Use of IGPAC encourages students to give a more complete analysis of their issue. The IGPAC formulation reminds students that they must explain to the reader of their document both the general rules that apply to the issue under discussion and how those rules have been interpreted and applied in the past. The order (G then P) reminds them that they must move from the general to the specific.

It is the reasoning of the application of law to the facts of their case, the analogy and distinction, that is often missing from students' papers. With the IGPAC foundation reminding them that "rule" includes precedent that decided specific fact situations, students see the "rule" as more than an abstract principle. They see how the law can actually support a particular conclusion in their case. Students are then more likely to actually present the comparisons and distinctions between their facts and those of the precedent, showing the reader that because of key similarities or differences their case should have the same or a different result.



IGPAC, like IRAC, has its limitations. It is simply an organizational tool, a helpful reminder of what must be included in the discussion of an issue and a logical order in which to present that information. I think IGPAC more clearly expresses what must be included in a rule section of a discussion. But, whether IRAC or IGPAC is used, students must be reminded that it is not an end in itself. They must understand that their goal is to present an analysis that is legally sound and that the reader of their document can follow and understand. To the extent that IGPAC assists in this goal it should be used; however, it is not something that is set in stone and from which they should never deviate. If, in an appropriate case, there is a good reason not to use IRAC/IGPAC then they should not do so. The key here is whether they can articulate a good reason for using some other organizational scheme and whether that other scheme furthers the ultimate goal of the document they are writing. I believe that in most instances students will find IGPAC to be a useful organizational tool.