

## Writing an IRAC Legal Exam

**Overview:** Now that we've had some practice in class addressing the constitutionality of police searches and seizures, it's time to begin writing opinions of our own. Although there is a rather strict formula to follow when writing an answer to a 4<sup>th</sup> Amendment case, there is no right answer; the best answers are those that are argued best using key details from the case, solid reasoning to support your claims, and proper application of past case law to further support your claims.

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**The Formula:** Follow **IRAC**. It is critical you answer in complete sentences, in paragraph format, and provide reasoning for your claims. Your reasoning should stem from the facts of the case. When in doubt, use direct quotations of relevant facts and case law.

### ISSUE:

- State the relevant facts of the case. Recount the specific moments of the facts of the case that relate to the legal question at hand. Omit all irrelevant info to the issue at hand.
- Identify the legal question presented to the Court. Do not paraphrase the legal question

### RULE:

- What previous cases have we read share similarities with the Issue presented in this case?
  - o Notice how the Supreme Court usually poses a short question as a Rule. For example: The Rule for when a school official may conduct a search of a student requires that the search must be 'reasonable.' Reasonableness is determined by asking two questions: was there reasonable suspicion to search, and was the conduct of the search appropriate in scope? (Paraphrased from *New Jersey v. TLO*)
- Identify the relevant Rule with a direct quote. You may paraphrase this Rule only after you've provided a direct quote.

### ANALYSIS/APPLICATION:

Your analysis should use two pieces of information: one is the facts of the case (Issue); the other piece will be a *previous case ruling* (Rule). The first piece is straightforward. The second piece of information requires you to think about *all* of the events in the case at hand and try to APPLY those events to a Ruling from a case dealing with very similar, but not identical, circumstances.

**Example:** You're presented with a case where a student is petitioning a case against their teacher: *"Petitioner contends his right to an unreasonable search and seizure was violated when the defendant opened and thoroughly searched petitioner's bag during a wholly silent in-class work session, only to pull out a small bag of odorless cocaine. When a school official conducts a search of a student, they must, '...restate direct quote of Rule...' (citation). Based on the fact that, '...relevant facts of the case quote...' it is clear that the defendant did not establish any reasonable suspicion to conduct the search.*

### CONCLUSION:

Directly answer the legal question. Touch on each relevant Rule you Applied to reach your final Conclusion to the legal question.

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**Pasquale De Marco**



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