

# Exam Tips: How to Write an Essay

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10:33 AM

## 1. Read the Question then the Facts

## 2. Spot the Issues

- "Issue" = questions that a court must answer as to what conclusion of law (holding) results from a given set of facts.
- To spot issues, need to be familiar with:
  - "Rules" = general principles from enactments or case law.
  - Similar fact patterns from cases we have studied.

## 3. Neutral Analysis:

Unless professor tells you otherwise, provide a neutral analysis, not a persuasive argument for 1 side.

## 4. Diagram each rule, breaking it down into it's elements.

## 5. Outline your analysis of each element:

- I = state the Issue
- R = state the Rule
- A = Apply the rule to the facts
- C = reach a Conclusion

## 6. Special IRAC Tricks for Your Outline

- Rule application:
  - "Embrace ambiguity": give both parties' reasonable arguments.
  - Use analogies in the rule application (explaining why similarities or differences are important as a matter of policy).
  - Use common sense: "the life of the law [is] experience"
- Conclusion:
  - Necessary. Don't "waffle" by saying "maybe"
    - D was negligent
    - D was probably negligent
    - D maybe was negligent
  - There may not be a right or wrong conclusion. What's critical is whether your analysis is good.
- Mootness: Analyze all issues. Even if your conclusion on one issue seems to make discussion of other issues moot, you should still discuss the other issues.
- You don't need to give the case name or statutory cite (but it's nice for the key authorities you've studied).

**8. Write Your Answer**

**9. Don't forget the overall conclusion**