

## PROBLEM QUESTION ANSWERS (2): ORGANIZING THE STRUCTURE

EN: Hi, welcome back. I'm Eric and this is the Quick Guide to Legal Writing. In this episode, we'll talk about how to organize an answer to a legal problem question.

EN: By the end of this episode, you'll learn: how to organize your answer at the macro level; and how to organize at a more micro level: structuring issues and sub-issues by using IRAC in a flexible way. At the macro level, the approach you take will be determined by the design of the problem question. You'll need to think about the facts you are given, and the area of law that is involved. A common approach is to organize the answer by legal actions or by parties. Remember our sample problem question, the case of Susan and the exploding hair dryer? Susan was injured when the hair dryer she was using caught fire.

EN: She decided to sue both the retailer, Hair Goods, and the manufacturer of the hair dryer, Hair Production Co. Based on this fact pattern, it seems logical to divide the answer into two parts, each focusing on a different action: negligence and breach of contract. Each of these actions pits the plaintiff, Susan, against a different potential defendant. And, each action raises different legal issues and a different set of rules that you'll have to apply to the facts before you can reach a conclusion.

EN: So, once you have decided on the overall, macro organization of the answer, you can address individual legal issues using IRAC. As you'll remember from episode 1, IRAC stands for: Issue, Rule, Application, and Conclusion. IRAC is a useful tool for presenting legal arguments and is meant to be used in a flexible way. Let's go back to Susan's story again. Have a look at how IRAC can be used to address one of the sub-issues in the negligence action.

SL: Having established that Hair Production Co. owes a duty of care to Susan, the next question is whether Hair Production Co. is in breach of that duty. The applicable rule is that a manufacturer must take reasonable care in manufacturing a product that is fit for purpose (*Donoghue v Stevenson*, *Grant v Australian Knitting Mills*). In this case, Susan would argue that the incompatibility of the hair dryer with hair products containing alcohol is a design defect. The reasonable and prudent manufacturer would contemplate that consumers would use a hair dryer alongside other hair products, unless there was a warning not to. However, Hair Production Co. did

not caution users against using the hair dryer with hair products which contain alcohol. The hairdryer's defect, coupled with the lack of a warning, rendered the hair dryer an unsafe product. Hence, it is likely that Susan would be successful in establishing that, as a manufacturer, Hair Production Co. breached its duty of care to consumers.

EN: Here, we clearly see: Issue, Rule, Application and Conclusion, in that order. This is the most commonly expected structure, and you should probably use it most of the time. Another possibility would be to foreground the conclusion, by placing it immediately after the issue move, like this. See? Issue, Conclusion, Rule and Application. Using this organization emphasizes the conclusion. Still, this isn't the usually expected structure, so you should use it sparingly.

EN: Some issues, especially minor sub-issues, do not need a full analysis using IRAC. Take a look at this example:

SL: Third, the damage suffered by Susan must be actionable. In this case, Susan suffered physical injury to her person, which is actionable as part of personal injury.

EN: Here, you can see a sub-issue is resolved in a simple way: Issue first, then Conclusion.

EN: Okay, let's review. In today's episode, we've talked about: organizing your answer at the macro level, by legal actions or by parties; organizing the answer at a more micro level by using IRAC in a flexible way. We saw: the standard pattern: Issue, Rule, Application, Conclusion; a foregrounded conclusion: Issue, Conclusion, Rule, Application; a brief analysis of a minor sub-issue: Issue, Conclusion.

EN: The IRAC strategy is a great place to start, but don't fall into the trap of applying it too rigidly. In the next episode, we'll look at the first move in IRAC – the issue. Stay tuned!