

## PROBLEM QUESTION ANSWERS (7): APPLYING THE LAW

SL: Hi, welcome back. I'm Sabrina and this is the Quick Guide to Legal Writing. Today we're going to look at an essential step in IRAC – the application of the law to the facts.

SL: Some people say that Application is the most important step in IRAC because this is where you can really show that you're thinking like a lawyer: you have to judge whether the law is applicable to the facts of the case at hand and explain why and how a particular rule applies or not.

SL: In this episode, you'll learn how to refer to the facts of the case by using connectives and phrases like: 1) 'In this case...'; 2) 'On these facts...'; 3) 'Here...'; 4) 'Thus, ...'; 5) 'It follows that in these circumstances...'; 6) 'Therefore, in the present case...'; 7) 'Applying the law to the present facts/case...'; 8) 'With regard to the current situation...'; 9) 'In this scenario...'; 10) 'Turning to the facts at hand...'.

SL: Let's take a look at some examples from our sample problem question, the case of Susan and the detonating hair dryer:

EN: According to *Voli v Inglewood Shire Council*, it should be contemplated that, under ordinary circumstances, the product would be examined, tested or treated in some way before it was used or consumed. Here, Hair Production Co. advised retailers, including Hair Goods, to test the efficiency and safety of the hair dryers before retailing them. However...

SL: In this example, you can see that the connective 'here' is used to link the legal principles introduced in the first sentence with a discussion of the relevant facts in the second.

SL: Let's take a look at another example:

EN: Under *Donoghue v Stevenson*, it is well established that manufacturers owe ultimate consumers a duty of care where three criteria are met... Turning to the facts at hand, criteria (a) is clearly met since no modification to the hair dryer was contemplated once it left Hair Product Co.'s factory.

SL: Here, the phrase 'Turning to the facts at hand' is used to refer to the fact situation provided in the problem question. Again, this phrase signals that the legal principles introduced are being applied to the facts.

SL: Here's another one:

EN: As a manufacturer, Hair Production Co. needs to take due care in the manufacture of the hair dryer, and has a duty to do what is reasonable (*Donoghue v Stevenson*, *Grant v Australian Knitting Mills*). Here, on the given facts, HPC did not warn users against using the hair dryer with hair products which contain alcohol and consequently the hair dryer was rendered to be an unsafe product.

SL: In this example, the connective 'here' is combined with the phrase 'on the given facts'. As with the other examples, this usage highlights the logical connection between the law and the material facts in the hypothetical situation.

SL: Although the application of the law is simple grammatically, applying the law to the facts is an extremely important step because it shows that you are able to apply the legal rules to a given factual situation.

SL: Let's take another look at that list of connectives and phrases. The application can be signaled by: 1) 'In this case...'; 2) 'On these facts...'; 3) 'Here...'; 4) 'Thus, ...'; 5) 'It follows that in these circumstances...'; 6) 'Therefore, in the present case...'; 7) 'Applying the law to the present facts/case...'; 8) 'With regard to the current situation...'; 9) 'In this scenario...'; 10) 'Turning to the facts at hand...'.

SL: All right! Thanks for watching and stay tuned for our last episode where we'll talk about the final component of IRAC – the conclusion.