

ANSWERING ESSAY QUESTIONS – THE IRAC FORMAT –

Chapter 1 of your text provide a description of the legal reasoning process at page 9, and describes the steps to present when analyzing a legal problem.

IRAC stands for: Issue; Rule; Analysis, and Conclusion. The essays you are asked to answer on exams can be most effectively answered using this format. Essay questions are principally seeing whether you can spot the legal issues present in the fact pattern.

After describing an issue, you should provide the applicable rule or rules which the court may apply to the situation.

Having stated the rule, you want to then show how you think the rule would be applied to the facts of the case. With that done, your conclusion should be a logical conclusion from your analysis.

As an example – here is one of the essays that was on the first exam with a sample response

1. BizApps hosts a Web site that advertises its software products, features upgrades and patches for its existing products, and accepts orders from customers throughout the world. Cassie, who owns and operates Holiday Vacations, Inc., a travel agency in Wyoming, orders from the Web site a copy of BizApps's Price Control software. Price Control is designed to help businesses obtain the best prices for their products and services. When Price Control is found to have a defect in its calculating program, BizApps offers a patch on its Web site to fix the problem. Cassie has already lost profits because of the miscalculating defect, however, and files a suit against BizApps in a Wyoming state court. Can the court exercise jurisdiction over BizApps? Why or why not?

ANSWER:

Issues: 1) Does the Wyoming State Court have personal jurisdiction over BizApps?; 2) Does BizApp doing business over the internet affect the analysis?

Rule: 1) State Courts are generally able to assert personal jurisdiction over a defendant if the defendant is determined to have minimum contacts with the state. The minimum contacts standard is generally embodied in a state's long-arm statute. The minimum contacts standard requires that a court conclude that it is fair for the state to exercise power over a defendant. A single contact may be sufficient if that contact is also the basis for the claim against the defendant. 2) Jurisdiction in cyberspace utilizes a "sliding scale" standard, which is basically an extension of the minimum contacts analysis to the internet. Under the sliding scale standard, a single contact of having a static webpage viewable in a forum state alone will not be a sufficient contact, but if there is some interactivity, the analysis then follows the minimum contacts rule.

Analysis: Here, BizApps did business with Holiday Vacations, selling it software. The software was defective which caused Cassie to lose money, so she has a valid claim against BizApps. The mere fact that Bizapps is doing business with a resident of the state where it is being sued is a sufficient contact here for the Court to assert jurisdiction, since the software sale, which is the basis of the contact, is also the basis of Cassie's claim – that the software was defective.

Here, the fact that Bizapps apparently does all its business over the internet does not change the outcome under the sliding scale standard, since there is more than a static website as Bizapps contact. Cassie was apparently able to place her order for the software through the website, and afterwards Bizapps had further contact through the website by offering a patch to try and fix the defective software.

Conclusion: Since Bizapps has minimum contacts with the state by doing business with a resident of the state, the Wyoming state court may properly assert personal jurisdiction over Bizapps.
