

Bar Exam Essay Writing Using IRAC

Professor Klare

The purpose of essay exam writing is to test your knowledge of the law but more importantly to test your ability to analyze by applying the facts to the law. This is no different then the problem solving which is required of practicing lawyers.

1. **Passing the Bar Exam:** Preparation, Preparation, Preparation: Know the legal principles/law and practice taking the exams. Review the answers even if you get them correct.

2. **Tips For Taking the Exams.**

a. Read the Instructions Very Carefully. A number of lost points are from failure to follow the instructions. For example, on the MPT you may be asked to draft a memo. Or you may be asked to write a will. Or you may be asked to decide whether the court's ruling on a motion to dismiss is correct. Therefore, to get points you must draft a memo or write a will.

b. Read the Question Carefully and Understand the Question. What is the question asking you to do? What are you asked to resolve? For example, discuss the criminal liability of A B and D. Is X liable for Y's negligence? How should the appellate court rule? Was the court's ruling for excluding the testimony of A correct? How should the court rule on C's motion to dismiss?

c. Read the Facts Carefully. Who are the parties? What are the legal theories/rules that apply? Which facts are relevant to the issue(s)? Do not assume facts and do not restate them as you would in a memo. Take facts at face level. For example, Dan had a blood alcohol of .20. Do not say assuming Dan was legally drunk.

USE the facts and weave them into your answer.

e. Organize your Answer. A common problem is lack of organization. Make a brief outline or notes in order not to forget. For example, list issue(s) and material facts in the margin. Do not make an extensive outline; it takes too much time. Label the parts of your answer. For example, Ruling 1, Ruling 2. Leave space in case you want to add to your answer later.

f. Answer the Question Completely. Identify and write each rule that corresponds to the question. Apply the rule to the facts and state a conclusion.

Do not cut the application/analysis short. Do not state the conclusion immediately after the rule because you may tend to forget the explanation as to why you have reached that conclusion. Make sure you offer the rule and the analysis. Apply the facts to the rule/law. State why these facts are relevant and support your conclusion. Repeat for each issue.

Remember do not be over inclusive and do not be conclusory. Analyze/Apply the facts to the law.

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