# Session 3 – LEGAL PROBLEM-SOLVING 1

# 1. Overview

* This session is intended to be practical and useful. Please be proactive in asking for clarification of, or guiding discussion towards, any part of the material that is troubling you.

# 2. Answering a legal problem (legal problem-solving)

* A ‘problem question’ in law is usually a set of (hypothetical) facts on which you are asked to advise (1) what law is relevant to those facts, (2) how that law would be applied to the facts and (3) what the outcome would likely be.
* In a problem question, youare generally *not* concerned with whether those legal rules are good or bad or whether the result will be fair or unfair (unless the question specifically seeks this): the focus is not on how you think it should be resolved but rather how it *would* be resolved if a court were asked to decide the matter.
* The widely taught (and practised) framework for legal problem solving is the HIRAC or IRAC method. This is employed to structure the analysis of legal issues in a **problem-based** assessment task.
* According to the HIRAC method, for each discrete ‘issue’ in a problem you should present the following information:

H (give a **heading** – usually the heading will be a statement of the issue)

I (state the **issue**)

R (state the relevant legal **rule**, giving ‘authority’)

A (**apply** the law (rule) to the facts); and

C (reach a **conclusion** on that issue)

*NB: The headings that appear in your answer should NOT say ‘Issue’, ‘Rule’, ‘Application’ etc. The headings you use should indicate the nature of each new legal issue that needs to be solved in your problem!*

* HIRAC does not need to be used really rigidly. Once you get the hang of it, you should aim to use it intelligently, not slavishly. Where you are dealing with a complex factual scenario with multiple legal issues and relevant rules, it often makes sense to adapt HIRAC. A complex analysis can often end up looking more like:

Meta-Heading

First H/I-R-A-R-A-R-A-C +

Second H/I-R-A-R-A-R-A-C +

Third H/I-R-A-R-A-R-A-C

*Etc until you’ve worked through all the issues*

Meta-Conclusion

Practice is key!