

IT'S ALL ABOUT IRAC

In order to pass the bar exam, you must show your ability to use your legal analysis skills and to organize your answer, i.e. IRAC. IRAC is tested on all three components of the bar exam. Here's a breakdown of how IRAC is tested.

HOW THE SKILLS OF IRAC ARE TESTED ON THE BAR EXAM			
	ESSAY EXAM	MBE (MULTIPLE CHOICE)	PERFORMANCE TEST
ISSUE	<p>HIGHLY TESTED:</p> <ul style="list-style-type: none"> Bar graders are looking for your ability to primarily identify the "hot issues". The fact patterns are written so precisely and concisely that most of the hot issues readily stand out. However, there are usually one or two issues that are camouflaged such that you need to use your issue spotting strategies (i.e., look more closely at the facts or run down your checklist of issues). Note: You show the bar graders that you have identified the hot issue by writing arguments for both parties. 	<p>NOT HIGHLY TESTED:</p> <ul style="list-style-type: none"> The subject matter tested is usually obvious from the call of the question and the choices. The specific area within the subject is not difficult to determine from a close reading of the choices. 	<p>TESTED SOMEWHAT:</p> <ul style="list-style-type: none"> The instructions contained in the memo from your supervisor will outline your tasks. These tasks usually identify some of the general issues you will need to research and write on. More specific issues will arise as you research the law contained in the library (statute and cases) and build the body of law. The hot issues will appear as you compare the body of law to the facts contained in the case file.

<p style="text-align: center;">RULES</p>	<p>NOT HIGHLY TESTED:</p> <ul style="list-style-type: none"> • Precise statements of the rules are not required as long as the elements of the rules are discussed in your analysis. • For the hot issue, you should state the rule separate from your analysis. 	<p>HIGHLY TESTED:</p> <ul style="list-style-type: none"> • You do need to be able to recall the precise statement of the rule and, if required, the details of any exceptions to the rule. • Be able to break down the rule into its elements. 	<p>HIGHLY TESTED:</p> <ul style="list-style-type: none"> • This test focuses on your ability to read statutes and cases and to synthesize and organize them into a "body of law". • You need to then break the body into elements (hopefully, a skill you learn in your first year of law school). • Next you need to extract those parts of the rule that are relevant to the issues raised in the instructions and by the facts.
<p style="text-align: center;">ANALYSIS</p>	<p>HIGHLY TESTED:</p> <ul style="list-style-type: none"> • Bar graders are looking at your ability to extract the relevant/material facts from the fact pattern and apply it to the relevant rule/element. You do need to restate the relevant/material facts in your essay. • You must also provide a logical reason/argument to explain why the facts prove or disprove the rule/element. • For the hot issues, you must provide a counter-argument, thus showing that the issue is problematic/arguable/has two sides. • Or for some hot issues, a counter-argument might be raised by discussing an exception to the rule. 	<p>HIGHLY TESTED:</p> <ul style="list-style-type: none"> • As with the essays, you will be required to extract the relevant/material facts from the fact pattern and apply it to the relevant rule/element. • You will be required to determine whether the facts prove or do not prove the rule/element. • Sometimes, you may also be required to determine the correct reasoning/argument to support the conclusion. 	<p>HIGHLY TESTED:</p> <ul style="list-style-type: none"> • Once you build the "body of law", you will need to extract the relevant facts from the case file and apply them to the appropriate elements. • You must determine whether the facts help you prove your case or hurt you. • You will also need to pull similar facts from the cases to use in your arguments as case analogies or case distinctions. • For the hot issues, you will need to discuss both sides thoroughly. • Or for some hot issues, a counter-argument might be raised by discussing an exception to the rule.

CONCLUSION

NOT VERY IMPORTANT:

- Important to state a conclusion for each issue, but...
- For hot issues that are written such that each side has a reasonable argument, the conclusion you reach is not as important as whether your conclusion is logical based on your analysis.
- Be aware that your conclusions should line up so that you can logically move onto a subsequent issue, i.e. don't block yourself from discussing the next issue.

NOT VERY IMPORTANT:

- The conclusion must line up with the analysis.
- Be careful that you do not make your selection of the correct choice primarily on the conclusion. The drafters often write 'distractors' by including an intuitive conclusion with the incorrect analysis.

NOT VERY IMPORTANT:

- The conclusion must line up with the analysis.