

## How to Brief a Case using the “IRAC” Method – Professor Ng

IRAC method: **I**ssue, **R**ule, **A**pplication, **C**onclusion

(Before the issue, write a brief summary of the **facts** of the case. Also, explain where the case is in the court system (the **procedural history**). **Example:** “The trial court denied the defendant’s motion for summary judgment. Defendant then appealed to the Florida Court of Appeal.”

**Issue:** What is the legal question that, when answered, determines the result of the particular case? The issue should be stated in the form of a question in a specific, rather than general form: “*Is the legal defense of justifiable homicide available to a defendant sued for wrongful death if the decedent was not armed with a weapon likely to cause great bodily injury or death?*” would be an acceptable issue. “*Will the plaintiff win?*” would not be acceptable. Note that the issue may be case specific, mentioning the parties’ names and specific facts of the case. **Example:** “*Is the legal defense of justifiable homicide available to Zimmerman in a wrongful death action if Martin was not armed with a weapon likely to cause great bodily injury or death?*” Most cases present one issue. If you identify multiple issues, list each one and give the rules for all issues raised.

**Rule:** The rule describes how the law applies to the issue. The rule, which could be a statute or a common law rule, should be stated as a general principal and not a conclusion to the particular case being briefed. *Do not* use parties’ names or specific facts from the case. **Example:** “*Justifiable homicide is a defense to a wrongful death civil action when the defendant reasonably believes the decedent’s actions are likely to cause imminent great bodily injury or death*” would be an acceptable rule. Simply stating “*Justifiable homicide*” would not be an acceptable rule. **Hint:** Frequently, the rule will be the definition of the principle of law applicable in the case.

**Application:** How does the court apply the rule of law to the facts of the case? The application represents your understanding of the analysis used by the court to reach its conclusion. It should explain the court’s consideration of the issue, presenting both sides of the debate when possible. The application is the most important, and the longest, part of the brief. If the rule discusses justifiable homicide, take the facts of the case and explain whether or not they fit into the definition of justifiable homicide. **Example:** “*In this case, the plaintiff (decedent’s parents) contended the trial court properly denied defendant’s motion for summary judgment because the legal defense of justifiable homicide cannot be used when the decedent was unarmed at the time of a killing. Therefore, because there was no dispute that the decedent was unarmed at the time of the killing, plaintiff argued that the trial court ruling should be affirmed. On the other hand, the defendant argued that the trial court decision should be reversed because Florida law does not specifically bar a defendant from asserting the defense of justifiable homicide if the decedent was unarmed. Rather, the defendant asserted, and the court of appeal agreed, that Florida law provides that justifiable homicide can be used in every instance “when the defendant reasonably believes” he is about to suffer great bodily injury or death. Here, defendant raised a genuine issue of material fact by testifying at deposition that he reasonably believed he was about to suffer great bodily injury or death at the hands of the decedent when decedent allegedly pinned the defendant to the ground, struck defendant several times in the face with his fists and repeatedly forced defendant’s head into the sidewalk.*”

**Conclusion:** State the result of the case. **Example:** *The legal defense of justifiable homicide is available to a defendant in a wrongful death action regardless of whether the decedent was armed with a weapon. Trial court’s denial of motion for summary of judgment reversed and case remanded to trial court.* (This can be found at the end of the case, printed in italics.)

**BUSINESS LAW 280**  
**SAMPLE BRIEF**  
**Professor Ng**

*Hagan v. Coca-Cola Bottling Co.* p. 13

Facts and Procedural History:

After drinking from a bottle of Coke, Hagan and Parker discovered what appeared to be a used condom floating in the bottle. Medical tests for HIV-AIDS for both women were negative. They sued Coke for negligence. The trial jury awarded each plaintiff \$75,000, which the trial court reduced. Both sides appealed to the 5<sup>th</sup> District Court of Appeal. The appellate court reversed the jury awards and concluded that under case law concerning the impact rule, Hagan and Parker had not established a claim because neither suffered a physical injury. Under a special procedure allowed by Florida law, appellate judges sent a certified question to the state Supreme Court regarding whether or not the impact rule should be abolished or amended.

- I: Does the impact rule preclude a claim by Hagan and Parker for damages for emotional distress caused by the consumption of a foreign substance in a Coke where they suffered no accompanying physical injuries?
- R: The impact rule requires that before a plaintiff may recover damages for emotional distress, the plaintiff must demonstrate that the emotional stress suffered flowed from physical injuries sustained in an impact. The impact rule, however, does not apply to cases where a plaintiff suffers emotional distress as a direct result of the consumption of a contaminated beverage.
- A: The court agreed with Hagan and Parker that they should not be barred from recovering damages for emotional distress caused by drinking a beverage containing a foreign substance simply because they suffered distress but did not suffer any additional physical injury at the time they drank the beverage. The court discussed the impact rule and noted there exist situations where plaintiffs may recover for emotional distress without any physical impact. Public policy dictates that a cause of action for emotional distress caused by the ingestion of a contaminated food or beverage should be recognized despite the lack of accompanying physical injury. The court referred to, and agreed with, a Maine Supreme Court decision overruling a case that had required a plaintiff to demonstrate actual physical manifestations of the mental injury. Even though Hagan and Parker did not suffer any physical injuries as a result of drinking the Coke, the court concluded that their lack of injuries did not bar recovery. The court reasoned that simply coming into contact with a foreign substance by consuming a contaminated food or beverage constituted an impact, and any plaintiff who did so could recover without any accompanying physical injury.
- C: Impact rule does not preclude plaintiffs' claim for damages for emotional distress caused by the consumption of a foreign substance in their beverage. Intermediate appellate court decision reversed, and case remanded.