

Legal research writing: challenges the students face

Beginning law students face a special challenge in their first legal writing efforts as they must combine a pre-acquired skill (writing) with entirely new subject matter (law) that involves learning not just new content, but also new ways of thinking and new ways of analyzing and interpreting new forms of written material. To make things worse, some students' pre-acquired writing skills are deficient and thus another form of learning is added to challenge.

To ease students into their early legal writing projects, teachers usually provide simple models for the organization of students' first efforts. These models are useful starting points. One frequently suggested approach is the IRAC formula, which requires an organization containing the following parts in the following order: ISSUE, RULE, APPLICATION and CONCLUSION. Sometimes a 'C' is added at the beginning of the formula (CIRAC) to remind that a statement of the conclusion may be an essential starting point and an organizing principle.

Let us consider IRAC formula in detail. ISSUE: A paragraph or paragraphs stating the question to be discussed and, if necessary, explaining its background and crucial facts, and expressing a summary conclusion. RULE: A block of paragraphs stating a governing rule and discussing its origins, its variations, its rationales, and its underlying policies. APPLICATION: A block of paragraphs discussing how the rule applies to the facts of the problem, i.e. identifying how the requirements of the rule are or are not satisfied by the facts of the problem being discussed. CONCLUSIONS: A paragraph or two stating the conclusion, discussing how policies underlying the rule support the conclusion, and summarizing any weakness in the condition. Successful scholarly writing is first of all original, in that it says something about the law, no matter how modest, that has not been said before.

Second, a good scholarly piece is comprehensive – it provides sufficient background to any strictly factual or descriptive material must be meticulously correct, and the writer's analysis must be logical: well and sufficiently reasoned. Finally, a good scholarly paper is clear and readable, written in a somewhat formal style that avoids both the pompous and the colloquial.

The format of legal research writing despite its variety is surprisingly unitary. It is a basic four-part structure consisting of an introduction, a background section, an analysis section, and a conclusion. The obligatory introduction of one to several pages describes the subject matter of the comment and plainly states the author's thesis. The introduction also provides an explicit roadmap to the rest of the comment: 'Part I sets out X. Part II analyzes X and concludes Y'. After the introduction, a second section of the comment provides whatever background a law-school-educated person will need to understand the third, most important, section: the writer's original analysis of the subject-matter. A short conclusion, often less than a page in length, summarizes the writer's views; the conclusion also may suggest related issues or ramifications, inviting the reader to further reflection.

In research writing the student must know how and when to document a source, how to avoid plagiarizing a source's words or ideas and how to integrate quoted

material smoothly enough. In a research paper the author draws on the work of other writers and their contributions must be documented. Documentation is required when you quote from a source, when you summarize or paraphrase a source and when you borrow facts and ideas from a source. Legal research writing is hard to cope with. Research writing requires knowledge, insight and hard work. Students must clearly understand their purpose in writing, make use of the collected material and put all of the pieces clearly, concisely and persuasively.