

How to Effectively Use Cases on Exams

Throughout each of your law school classes, you will read many cases because reading case law is the primary mode of learning in doctrinal law classes. This section will show you many different examples of how to use cases in your law school exam answers.

Citing Cases in Rule Paragraphs

Most professors require IRAC or some variation of IRAC when writing your law school exams. An integral component of this is the “rule paragraph.” Rule paragraphs include the relevant black letter law, as well as relevant rules from cases that you read throughout the semester. When using a case in a rule paragraph, you should not have any facts from the case in your paragraph. The information included in the paragraph should only be the law you learned from the case, or the rule from the case. Thus, one way to use cases in your exam answers is to cite where the information in your rule paragraph is coming from.

For example, a classic case that all first-year law students read in their torts class is *Garratt v. Dailey*. This case teaches first-year law students the meaning of “intentional” for intentional torts. In *Garratt v. Dailey*, the court defined intentional as the purpose of causing such contact or the knowledge of a substantial certainty that such contact would occur.

Below is a rule paragraph for battery:

Battery is the intentional infliction of harmful or offensive contact to another person. Intent includes either having the purpose to cause the contact or knowledge of a substantial certainty that contact will occur (Garratt v. Dailey). The next element requires that the contact be either harmful or offensive. Harmful contact is contact that injures, brings pain, or otherwise hurts another party. Offensive contact is contact that would offend a reasonable person’s sense of dignity. The last element of a battery is that there must be contact with the plaintiff’s person.

As you can see, the meaning of the word “intent” is included in orange text, and directly following the meaning of intent is the case name *Garratt v. Dailey* in parenthesis. It is important to always cite your authorities on a law school exam because it tells your reader where your information came from. You should include the case name in italics or underline it.

Citing Cases as a Full Case Illustration

Another way to use a case on a law school exam is to provide case illustrations. Above, it was mentioned that most professors require IRAC, or some variation of IRAC, on law school exams. One of the most common variations of IRAC is IRCAC— or *issue, rule, case illustration, application, conclusion*. For more information on IRCAC, see *IRAC with a Case Illustration (IRCAC)*. This means you include a paragraph illustrating a case with similar or dissimilar facts

to the facts in the hypothetical that your professor gave you. This allows you to compare or contrast the facts, holding, and reasoning from the case to the facts in the hypothetical.

When deciding how to pick a case for a case illustration, you want to pick a case where the facts are similar or dissimilar to what your professor has given you. This is because you will use the facts from the case you have previously read and compare or contrast them with the facts your professor has given you to persuade your reader of an outcome. If the facts in the case and the hypothetical are similar, you can reason that this court should hold the same way. If the facts from the case and the hypothetical are dissimilar, you could reason that the court should not hold the same way.

Generally, case illustrations follow a template. Start with 1-2 sentences of legally significant facts, give the court's holding, and then explain why the court held that way. It is important to only include legally significant facts from the case. To determine which facts are legally significant, ask yourself, "If this fact changed, would the outcome remain the same?" If the answer is 'no,' the fact is legally significant. Next, you should include how the court held. Did they hold that there was contact present for a battery or not? After the holding comes the reasoning. You want to be sure to include why the court held the way it did.

An example of a case illustration is below:

In Fisher v. Motor Hotel, Defendant grabbed a plate out of Plaintiff's hands. While Defendant's body never physically came in contact with the body of Plaintiff, the court held that there was contact and a battery. The court held that there was sufficient contact for a battery here because Defendant grabbed something that Plaintiff was holding, which made the plate part of his body. Thus, there was contact through indirect contact.

In a dissection of this case illustration, you can see:

Facts: *In Fisher v. Motor Hotel, Defendant grabbed a plate out of Plaintiff's hands.* Notice how facts such as Plaintiff being at a work conference or standing in line at the buffet were not included. If Plaintiff were at a store purchasing a plate, the outcome would have been the same, so that fact is not legally significant.

Holding: *While the hotel manager's body never physically came in contact with the body of the restaurant patron, the court held that there was contact and a battery.*

Reasoning: *The court held that there was sufficient contact for a battery here because Defendant grabbed something that Plaintiff was holding, which made the plate part of his body. Thus, there was contact through indirect contact.*

Disclaimer: If any law used in this handbook differs from how your professor discussed the law, always defer to your professor. The law used in this handbook is meant to serve as a vehicle for teaching the skills, only. Likewise, if any exam writing advice differs from your professor's expectations, always defer to your professor.

Following, IRCAC format, immediately after the case illustration is the application paragraph. Instead of just applying your rule paragraph to the facts of the hypothetical to come to a conclusion, now you will apply both the rule paragraph and case illustration to the facts of the hypothetical to come to a conclusion.

There are two general ways you can use a case illustration in your application section.

1. Cases are Similar

Consider this hypothetical: *Paul was a member of 'The Hitters,' a co-rec baseball team that meets every Thursday to play a game. This week, The Hitters were playing The Batters. When Paul was up to bat in the first inning the pitcher, Cara, hit Paul with a pitch. Paul, thinking it was on purpose, ran up to Cara and ripped her glove out of her hand while yelling obscenities. Can Cara establish the requisite contact for a battery?*

In your application you want to do two things with your *Fisher* case illustration. First, you want to establish how the facts of your hypothetical are similar to the facts of *Fisher*. Once you do that, then you can explain how that means our court should follow the same exact reasoning as the *Fisher* court did.

Here, Cara is able to establish the requisite contact for a battery. This case is extremely similar to Fisher v. Motor Hotel because in both instances the Defendant grabbed something the Plaintiff was holding. In neither case did the defendant touch the plaintiff directly. Rather, in both cases, the defendant grabbed something out of the plaintiff's possession. Since this situation is so similar to Fisher, this Court should follow the exact reasoning that there is the required contact for a battery because Paul grabbed something out of Cara's glove.

2. Cases are Different

Now consider this hypothetical: *Paul was a member of 'The Hitters,' a co-rec baseball team that meets every Thursday to play a game. This week, The Hitters were playing The Batters. When Paul was up to bat in the first inning the pitcher, Cara, hit Paul with a pitch. Paul, thinking it was on purpose, ran up to Cara. Cara saw Paul charging at him, and to prepare herself to fight, she threw her glove off her hand and onto the ground. Paul picked Cara's glove up off of the ground and threw it into the outfield while yelling obscenities. Can Cara establish the requisite contact for a battery?*

As you can see, these facts are now sufficiently different from *Fisher*. Thus, in your application paragraph you want to: (1) establish how the facts of your hypothetical are different from the facts of *Fisher*, and (2) explain how that means our court should follow the opposite reasoning as the *Fisher* court did.

Here, Cara will not be able to prove there was contact. This situation is different from the facts of Fisher because in Fisher the Defendant touched something the Plaintiff was holding, whereas in this hypothetical Cara was no longer holding the glove when Paul grabbed it. Since the situation of grabbing the plate out of the Plaintiff's hand is inherently different from grabbing a glove from off the ground, the Court should come to the opposite conclusion that the Fisher court did and hold that Cara would not have the requisite contact for a battery.