

RARARA

RARARA is a good template to use if (1) your professor prefers this method of IRAC, (2) you are following a factor analysis, (3) you are following an elemental analysis, or (4) it helps you stay organized with your analysis. RARARA is a departure from the traditional IRAC structure but still includes all the same components of IRAC. The RARARA method is different in that instead of having one rule paragraph and one application paragraph, you would instead of multiple rule and application sets, one for each factor or element you need to analyze.

Let's consider this hypothetical as we work through RARARA: *Betty and Patty are neighbors and get together every Sunday afternoon at Betty's house while their kids have a playdate. This past Sunday, Patty's youngest son spilled juice on Betty's brand new white couch. Betty, enraged, yelled at Patty's youngest son, "You stupid boy!" This angered Patty, because Patty's youngest son has recently been bullied at school for not being the smartest. In response, Patty yelled at Betty, "If you don't apologize to him right now I will have no choice but to pepper spray you in the eyes." Betty now seeks your legal advice on whether she has any viable claims against Patty.*

Issue

The first part of RARARA will still be the issue. This will look the same as the issue in the traditional IRAC structure.

The issue is whether Patty can be liable for assault.

General Rule

Next, you want to include what is called a "general rule." The purpose of this one sentence rule is to explain to your reader the connection between all of the RA's you are about to give. If you jumped right into your first RA on intent, your reader might be confused on what intent has to do with assault, because you never told them. A general rule should be plain and simple; it should just lay out the connection between all of the RAs you are going to give.

Assault is an intentional tort with 4 elements: (1) intentionally placing a person in (2) reasonable apprehension of an (3) imminent (4) harmful or offensive contact.

Rule and Application

Next comes the first RA. This means rule and application. The rule always comes first, and then you apply that rule.

Under the RARARA structure, you will write a rule and application for each single element of assault. Thus, each of the four elements of assault will have its own rule and application paragraphs.

*****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.*****

You will start out by providing your first rule paragraph for intent. Remember, in the RARARA method, you will write a rule paragraph for each element. Thus, in the intent rule paragraph, you should only have information about intent. Be sure not to include any rules regarding any of the other elements of assault.

If your professor requires it, or you believe it will strengthen your analysis, you can also add case illustrations into RARARA. Here, a case illustration would go in between the rule paragraph and the analysis paragraph. For example, you would have a rule paragraph describing what intentional means. Next, you would have your case illustration to illustrate a case that shows what intentional means. Finally, you would write an analysis section that applies the facts of the hypothetical to both the case illustration and the rule paragraph.

Intent is the first element required for an assault. Intent can be satisfied through either purpose of knowledge (Garratt). Purpose means the apprehension was the defendant's desired outcome. Knowledge means that the defendant knew to a substantial certainty that apprehension would occur.

As you can see above, there is only information that regards intent. Next, you will go on applying this one paragraph. Remember, you are not applying or discussing any facts or information that is not about intent.

Here, Patty intended to place Betty in reasonable apprehension because she said "I will have no choice but to pepper spray you in the eyes." This exhibits purpose because her desired outcome was to place Betty in apprehension so Betty would stop yelling at her son. Thus, intent is satisfied.

Above is an example of an application section where only the rules about intent are applied. After you have written your first RA, meaning rule and application for the first element of assault, you will move on to the next RA for the next element, and continue until all four elements of assault have their own RA.

Conclusion

Finally, you will conclude with the same conclusion that you would use in the traditional IRAC structure. Remember to keep your conclusion short and simple.

Example: *Thus, Betty cannot bring a valid claim of assault against Patty.*

All Together

The issue is whether Patty can be liable for assault.

*****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.*****

Assault is an intentional tort with 4 elements: (1) intentionally placing a person in (2) reasonable apprehension of an (3) imminent (4) harmful or offensive contact.

Intent is the first element required for an assault. Intent can be satisfied through either purpose of knowledge (Garratt). Purpose means the apprehension was the defendant's desired outcome. Knowledge means that the defendant knew to a substantial certainty that apprehension would occur.

Here, Patty intended to place Betty in reasonable apprehension because she said "I will have no choice but to pepper spray you in the eyes." This exhibits purpose because her desired outcome was to place Betty in apprehension so Betty would stop yelling at her son. Thus, intent is satisfied.

Reasonable apprehension is the second element of assault and means that the plaintiff feels anticipation or perception; it does not mean fear. Words alone are not enough to place a person in reasonable apprehension, the words have to be coupled with an action to be sufficient.

Here, Betty was not placed in reasonable apprehension because all Patty did was give a verbal threat, and words alone are not enough to constitute reasonable apprehension. Thus, there was no reasonable apprehension.

Imminence is the third element of assault, and means that the plaintiff must perceive an imminent battery. Conditional language negates imminence.

Here, the element of imminence was not satisfied because the language Patty used was conditional. Patty said "If you do not apologize..." Effectively, this placed the ball in Betty's court, meaning the battery was no longer imminent. Thus, the element of imminent is not satisfied.

The final element is harmful or offensive contact. Harmful contact is physical pain, while offensive contact is contact that would offend a reasonable person's sense of dignity.

Here, Patty threatened harmful contact because getting pepper sprayed in the eyes would cause physical pain. Thus, the final element of harmful contact is satisfied.

Thus, Betty cannot bring a valid claim of assault against Patty.