Introduction to the ILFAC™ Writing Method

score-maximizing method for
law school and bar exam essays

a BarRev™ PrepChart™

Published by
LEX Law Prep® LLC

Introduction to ILFAC

Most law students are taught the IRAC (Issue, Rule, Application or Analysis, Conclusion) method for legal writing in law school. While the IRAC method is okay, it also has significant problems, especially for people who wish to maximize their scores in a timed setting.

LEX™ developed the ILFAC™ method for legal writing so that students can produce higher-scoring essays that require less time and less effort. The ILFAC method is ideal for law school exam essays and bar exam essays like those on the California bar exam.

ILFAC has four sections, which are:

- **I**ssue
- **L**aw Library
- **F**act File
- **A**rgument (including **C**onclusion)

Each section is discussed in detail below. Let's get started!

Issue

> Mission: Identify the issue you are going to resolve by naming this issue in a headline.

Under the ILFAC method, your headline should specify for the reader a legal determination (the "Issue") that has at least two possible alternate outcomes (*e.g.*, guilty or not guilty, admissible or inadmissible) without specifying which outcome you will reach. Rules for making a great Issue headline:

- ✔ identify the Issue you are now going to resolve
- ✔ limit your headline to a maximum of three words, if possible
- ✔ do NOT draw a conclusion about the identified Issue
- ✔ do NOT make make your headline into a complete sentence or question
- ✔ do NOT use compound headings, *i.e.*, headlines that identify more than one issue
- ✔ do NOT include party names or other facts from the stimulus

The Issue headline should by itself comprise its own self-contained paragraph. In other words, the headline should sit all alone on a line that is separated from the rest of your essay—both before and after—by a line of white space.

Here some examples of good and bad Issue headlines.

Good Issue Headlines	Bad Issue Headlines
■ Battery ■ Offer ■ Murder ■ Equal Protection	■ Kate Battered John ■ Contract Formation: Offer ■ Did Ted Murder Barb? ■ Claims Based on an Alleged Violation of the Equal Protection Clause

NOTE FOR BAR EXAM ESSAYS (not necessarily law school exam essays): If you want to boldface or underline your Issue headlines, feel free to do so. But these headlines should be the only items in your entire essay that get any such text formatting. In other words, no other portion of your essay should include any boldfaced text, italicized text, or underlined text.

Law Library

> Mission: Provide a set of legal premises that is legally sufficient for resolution of the Issue.

Under the ILFAC method, this set of legal premises is called the Law Library™. To create a great Law Library, use a LEX technique called the Five-Part Approach™.

To follow the Five-Part Approach, make your Law Library a single paragraph that comprises as many of the following parts as necessary to dispose fully of the Issue (sometimes all five but often just the first two parts):

- general rule for the Issue identified in your headline
- definitions of any terms of art that appear in the general rule
- explanations and elaborations regarding how the general rule works
- exceptions to and limitations on the general rule
- consequences that attach to the rule

All Law Library language should be phrased universally, *i.e.*, no names, dates, places, or other facts from the stimulus should appear in the Law Library. A "term of art" is any term that a lawyer would use or understand in a sense that differs from how a layperson would use or understand that term.

Most importantly, the Law Library must include all rules of law and only those rules of law that you will use to dispose fully of the issue identified in your Issue headline.

Fact File

> Mission: Provide a set of factual premises that is factually sufficient for resolution of the Issue.

Under the ILFAC method, this set of factual premises is called the Fact File™. To create a great Fact File, use a LEX technique called the Transcription Approach™.

To follow the Transcription Approach, make your Fact File a single paragraph that consists of a *verbatim* (except as described below) transcription of the facts from the stimulus that you will use to dispose of the Issue. During the transcription process, you can delete and rearrange words appearing in the material being transcribed from the stimulus into your Fact File so long as these edits do not affect the meaning of the recounted information. However, you CANNOT add or paraphrase words or facts from the stimulus.

Most importantly, the Fact File must include all facts and only those facts from the stimulus that you will use to dispose fully of the Issue identified in your Issue headline.

Argument (including Conclusion)

> Mission: Provide an argument that uses the legal premises set forth in your Law Library and the factual premises set forth in your Fact File so as to resolve the Issue named in your Issue headline.

Since all arguments must inherently include some form of conclusion, expressly representing the word "conclusion" in the ILFAC acronym is unnecessary; the word "argument" necessarily implies it. However, including the "C" in ILFAC helps to remind law students and bar examinees that the conclusion is what they're working toward. This inclusion also makes

ILFAC rhyme with IRAC, which seems to make students who are familiar with IRAC more amenable to learning a new method.

Except for the acronym itself, the section of your ILFAC that includes both the argument and the conclusion is simply called the Argument. To create a great Argument, use a LEX technique called the Two-Step Approach™.

To follow the Two-Step Approach™, perform the following two basic functional steps in writing your Argument:

- STEP ONE: characterize the factual premises that appear in your Fact File as being instances of the terms used in the legal premises that appear in your Law Library; and
- STEP TWO: apply the legal premises in your Law Library to the instances established in STEP ONE so as to reach a conclusion.

Make sure that every fact and every rule of law that you use in your Argument (besides the conclusion itself) has been previously established in your Fact File or your Law Library. If you find that, in order to complete your Argument, you need to refer to a fact or a law that did not first appear in your Fact File or your Law Library, you must (i) first scroll back up, (ii) then insert the missing fact or law into the appropriate section, and (iii) then scroll back down and finish your Argument.

If certain facts that are essential to disposition of the Issue identified in your headline are missing, phrase your conclusion conditionally. If a relevant rule of law varies by jurisdiction, present alternate conclusions accordingly. If the facts are ambiguous, weigh those facts—in writing—and then reach a "soft" conclusion accordingly.

Good luck on your essays!

Shelton Harrison
Teacher and Tutor
LEX Law Prep® LLC

For more information on the ILFAC method, visit www.ilfac.com.