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Teaching Legal Studies in Business Degrees: A Review of a Method and its Practice

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Abstract: The legal studies teaching methodology IRAC (issue, rule, application, conclusion) is widely used in universities by both law and business schools. This paper examines the effectiveness of IRAC from a teaching perspective and its usefulness for business students. Data is generated from an Australian university case study using teacher interviews and a student survey. The findings suggest that, because of its flexibility and logical structure, the practice of IRAC has become normalised. However it is only effective if teachers disseminate these features consistently in their teaching. Students in the study understood the usefulness of IRAC for classwork, but encountered application difficulties in assessment tasks. Although the study sample is limited, legal studies teachers in other tertiary and secondary settings can benefit from the findings, and the recommendations that periodic reflection and greater collaborative efforts are required when using IRAC to progress students' legal studies skills.

Introduction

Students enrolled in university business degrees often prefer the cut and dried problems of their accounting classes to the challenges of legal studies, where there are no perfect answers (Akerlind, Carr-Gregg, Field, Houston, Jones et al., 2010). In grappling with the problem of how to teach business students to confidently tackle legal questions in classroom exercises many legal studies instructors have turned to the commonly used IRAC (issue, rule, application and conclusion) teaching method, which involves a stepped approach that is neither unique — having similarities with methodologies used in the STEM (Science, Technology, Engineering and Mathematics disciplines) — nor universal (Badua, 2015; Koch, 2005; Wade, 1990).

The IRAC methodology requires students to follow four steps: first, ask 'What is the legal issue?' Next, determine 'What are the legal rules or the law around those issues?' Then comes the application of the rules (with the relevant law being identified) directly to the facts of the case under consideration. Finally, the problem needs a conclusion, which requires students to also understand that their answer may have a range of responses. This last step is where some students experience the most difficulty (Bittner, 1990).

This research is a case study of legal studies courses for degrees within a business school in an Australian university with just over 50% international students from Asia in undergraduate courses, while for postgraduate courses, the numbers of international students from Asia rise to a significant proportion of a cohort. Diverse student cohorts present

educators with unique challenges that can be met by teaching and learning methodologies like IRAC. In English language countries many higher education business courses can comprise a high percentage of international students (Kraal, 2014, 2017). Arguably, IRAC is a useful tool for educating cohorts that are increasingly dominated by students whose first language is not English (Kariyawasam & Low, 2014). Nonetheless this study considers diverse student cohorts.

This research extends the work by Kraal (2017) that examined the implications for legal studies instructors teaching very structured curricula for diverse cohorts in higher education settings. For this study, the authors examine the efficacy of the practical application of IRAC: a method used in legal writing to solve legal problems. A qualitative method of interviewing 14 teachers was utilised to establish the effectiveness of IRAC in providing a 'lifeboat' to educators with diverse student cohorts. Also examined is the usefulness of IRAC from a student perspective, namely whether students believe IRAC increases their confidence and ability to tackle legal questions in classroom exercises and assessment tasks. A survey of 157 students was used to gather data on their perceptions of the usefulness of the IRAC method.

The authors analyse the data generated through the frame of institutional theory, which can be used to explain structure, position of privilege, legitimacy and the dominance of certain actors within an organisation (Di Maggio & Powell, 1983; Scott, 2008). The next section explores the literature relevant to teaching legal studies, followed by the methodology. The case study findings are then presented, which leads into the discussion and conclusion sections.

Literature Review

As early as the 1870s, Christopher Langdell, a professor at the Harvard Law School, developed the 'Socratic' method to legitimise law's scientific credentials, arguing that it was the law equivalent to the STEM scientific method (Paskey, 2014). The Socratic method is still widely practised in law schools in the United States (Daily, 2017; Jennison, 2013; Kimball, 2006; Kraal, 2017). Other legal studies teaching methodologies have since emerged, such as 'narrative reasoning' in the 1970s and, in the late 1980s, feminist legal theory (Paskey, 2014, p. 55). However, according to Maclean (2010) and Burton (2016), IRAC appears to have dominated legal teaching methodology since its emergence in the late 1970s when Brand and White (1976) used it in legal writing courses in the United States.

IRAC originated as a response to the challenges posed by legal problems and as a means of expressing their solutions. Lacking the degree of certainty seen in the STEM disciplines, some commentators have contended that the law — being a rule-based, problem-solving discipline — requires both certainty and flexibility (Kalinowski, 2018; Miller & Charles, 2009). This difference prompted Cornwell (1997, p. 1093) to argue that legal writing is a 'kind of philosophy', despite acknowledging that law 'entails a scientific method'.

Used in legal writing to solve legal problems based on a set of facts, IRAC is a method of critical thinking. Critical thinking, the art of analysing data, is not unique to law, and is a skill that is applicable and valued by many other disciplines (Das, 1994; Stone, 1991). Rather than being a subset of any particular pedagogy or andragogy (adult learning), IRAC is a key component of active learning. Active learning is where students' learning is achieved through problem-solving, and is used in many disciplines such as health (Critz & Knight, 2015), economics (Talbert, 2012) and science (Freeman, Eddy, McDonough, Smith, Okoroafor et al., 2014). Consequently, IRAC finds a place within cognitive taxonomy theory,

a hierarchical learning process that begins with the basic skill of memory and ends with the more demanding skill of creating (Bloom, 1956; Seaman, 2011).

Several themes emerge from the rich body of literature on IRAC. First, a surprisingly passionate debate between legal educators, revealing a 'love or hate' relationship with IRAC (Schnee, 1995; Turner, 2012). Iijima and Cohen (1995, pp. 10, 14) compiled a compendium of vignettes on IRAC from legal studies teachers across the United States that revealed there were teachers who sought to buy 'I luv IRAC' t-shirts and other 'IRACophiles', right through to 'IRACophobes'. Second, the most common criticisms of IRAC include that it is too simplistic (Graham, 2015; Iijima & Cohen, 1995, p. 4), too formulaic (Fine, 1995) and thus, too rigid. Jacobson (1995) argued the rigidity in IRAC resulted in a poor writing tool, because law's lack of certainty requires an emphasis on the 'argument', which in turn needs a freer flowing structure. Consequently, IRAC has been considered as better suited to use as an analytical tool: a role some claim it performs admirably (e.g. Rice, Chin, Hoffman, Barbazon, & Furey, 1995). It has also been claimed that the IRAC approach is too restrictive for more capable students who, through previously honed skills, are able to analyse legal case facts critically and without an overly prescriptive approach (e.g. Jacobson, 1995).

Even the most critical legal educators can use IRAC, albeit in a less formalised manner (Iijima & Cohen, 1995). In order to address some of its perceived weaknesses, various adaptations of IRAC have emerged, creating a rich list of alternative acronyms, as per Table 1 below.

Acronym	Meaning	Source
IRAC	issue, rules, application, conclusion	Brand & White (1976)
MIRAT	material facts, issues of law and policy, rules, arguments, tentative conclusio	Wade (1990)
RAFADC	rule, authority, facts, analogize, distinguish, conclude	Jacobson (1995)
IHAC	issue, hypothesis, application, conclusion	Sinclair (2003)
CRAC	conclusion, rule, application, rebuttal and conclusion	Lebovits (2010)
TREAT	thesis, rule, explanation, application, thesis	Murray & De Santis (2015)

Table 1. Alternative legal studies teaching methods and acronyms

In reviewing the legal studies teaching methods listed in Table 1, the MIRAT model, as developed by Wade (1990) appears to be IRAC's major competitor. The Lebovits (2010) CRAC model has usurped the IRAC process of analysis by starting with writing a conclusion. Models such as Sinclair's (2003) IHAC; Murray and De Sanctis' (2015) TREAT; and Jacobsons' (1995) RAFADC model, all offer subtle changes to IRAC.

Thus, despite some educators fine-tuning IRAC to suit their needs, its components from the original version have survived. This resilience, noted by Edwards (1995), is the final theme that emerges from the literature. The universality of IRAC's methodology, and arguably its usefulness, is illustrated by a common question from both proponents and critics: 'How else could you answer a legal problem?' (Schnee, 1995, p. 13; Turner, 2012).

Much of the literature about legal studies teaching methods is from the United States, with very little specifically on IRAC to be found in Australia (Burton, 2015, 2016, 2017; Maclean, 2010). One explanation is that some US university law schools have invested considerable funds to develop professional legal writing programs for their students (e.g. Graham, 2015). While Temple (2006) discussed the challenges of teaching law to international graduate students, none of the literature reviewed referred to the effectiveness or challenge of teaching legal studies to diverse cohorts of business students, that includes international students from Asia. This review indicates the absence of Australian studies on the use of the IRAC legal teaching method for diverse cohorts, and this gap has underpinned the authors' research questions and methodology.

Methodology

This research concerns an Australian case study using mixed methods of teacher interviews and a student survey to generate data. There are two research questions:
1. How effective is the IRAC method from a teacher's perspective?
2. How useful is the IRAC method from a student's perspective?

A theoretical framework of institutional theory is used to analyse our teacher interview data. Institutional theory is a perspective on organisations that was first introduced by Meyer and his colleagues (Meyer & Rowan, 1977; Meyer, Scott, Cole, & Intili, 1978; Meyer, Scott, & Deal, 1981). The argument posited for institutional theory was that formal organisations are not only subject to exogenous impacts of resourcing and technology, but also to institutional forces within an organisation that therefore need to be understood. Scott (2008) evidenced the progression of institutional theory from the 1970s. Scott recounts the theory's formative days of loose conceptualisation to the twenty-first century's tighter, more empirically defined terms. The early concepts of institutional theory were welcomed as bold and creative ways of explaining structure, position of privilege, legitimacy and the dominance of certain actors within an organisation. Early institutional theorists simply asserted their claims, then empiricists emerged with data to support institutional theory concepts (Deephouse, 1996; Hoffman, 1997; Ruef & Scott, 1998; Scott, Ruef, Mendel, & Caronna, 2000; Thornton, 2004). Other developments have included moving from organisation-centric concerns to intra-organisation issues or fields of like activity (Davis & Powell, 1992; Di Maggio, 1988; Scott & Davis, 2007). Scott (2008) notes that the development and testing of institutional theory arguments is ongoing.

Two early concepts of institutional theory concepts were isomorphism and decoupling. Di Maggio and Powell's essay (1983, p. 149) introduced isomorphism, a 'constraining process that forces one unit in a population to resemble other units that face the same set of environmental conditions'. Isomorphism consists of three factors (coercive, mimetic and normative) that explain the homogenisation paradox. Di Maggio and Powell (1983) made an early and seminal contribution to institutional theory concepts when they distinguished between processes of social reproduction. Coercive isomorphism emerges from asymmetric power relationships and problems of legitimacy. Change is facilitated by formal and informal sources. In a university setting this may be faculty policy (formal) or teaching discipline groups (informal). Mimetic isomorphism stems from a powerful phase of change that is brought on by a major event or incident. In the university setting this may be a rapid rise in enrolment numbers, or increasingly diverse student cohorts. Lastly, normative isomorphism emerges upon the maturity of certain practices and is consequently associated with professionalisation, where members define and converge their methods of work. There were criticisms of the determinant tendencies of the Di Maggio and Powell essay (Perrow, 1985, 1986) which were responded to by Di Maggio (1988) in a re-examination of the 1983 essay, including the agency concept. In uncertain situations actors, under standard circumstances, copy the legitimatised (i.e. acceptable) practices from other actors in the field.

Decoupling in institutional theory refers to the gap between what an organisation claims and what is actually does (e.g. Brunsson, 1989; Carlsson-Walla, Krausa, & Messner, 2016; Meyer & Rowan, 1977; Westphal & Zajac, 1994). For example, creation and maintenance of gaps between formal policies and actual organisational practices, as seen in university policies that promote student-centred learning, when the reality is that it can be difficult to implement a policy if there are low teacher to student ratios. The concepts of homogenisation through isomorphism, and decoupling, are used in the analysis of data collected through the teacher interviews and an online student survey.

Interviews with Teachers

To answer the question about effectiveness of the IRAC method from a teacher's perspective, data was gathered through interviews.[1] A semi-structured interview of each teacher provided the primary data. This approach gains an understanding from the perspective of those in the field (Eriksson & Kovalainen, 2008).

Group 1 interviews were conducted in an Australian university with teachers of legal studies in business degrees in 2018, both pre- and post-semester. The teacher interviewees had all previously used some form of the IRAC method in their teaching and intended to use it in the forthcoming semester. The rationale behind pre-semester interviews was to first establish the experience of the teachers, elicit the challenges in teaching legal studies to business students, and then seek information on their use of IRAC (or a variant). The post-semester interviews were to determine if teachers had changed their presentation of the IRAC method; and their observations of ensuing benefits (or otherwise) to students. The interview questions and data generated from both sets of interviews are provided in the findings section.

Group 2 comprised interviews with teachers from the UK and USA that were conducted early in 2018. The data from these overseas teacher interviews is only used in the discussion section to broaden and validate the findings from the Group 1 teacher interviews. It was explained to the overseas teachers that the interview focus would be on their use of a legal studies teaching method. All the interview questions are presented in Appendix 1.

All interviewees requested anonymity and gave informed consent. The Australian interviewees volunteered in response to a broadcast email. The overseas interviewees were introduced to the authors from a few key contacts. Both groups are thus considered random selections. In Group 1, five participants taught business law (BL 1 to 5), two taught corporations law (CL 1 to 2), and three taught taxation law (TL 1 to 3). In Group 2, all four participants taught legal studies, two in the UK (UK 1 to 2), and two in USA (USA 1 to 2). The gender split for all the interviewees was even, but the number of years of teaching experience for the Australians was more widely spread. Table 2 depicts the main course taught by each interviewee, the interviewee's campus location, gender; and the code used (to anonymise interviewees) for the findings and discussion sections. For Australian undergraduate degrees, the specialist teaching of business law, corporations law, and taxation law are in years one, two and three respectively; while for two-year postgraduate degrees, taxation law is normally taught after an introductory law course. The overseas interviewees by comparison, teach across a wider range of law courses. All interviews were conducted face-to-face, and in the home country of the interviewee.

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[1] The authors obtained Monash University ethics clearance (Project 12187) for all teacher interviews and the student survey.

Main course taught	Location of University	Gender	Code name
Group 1			
Business Law	Australia, east coast	M	BL1
Business Law	Australia, east coast	M	BL2
Business Law	Australia, east coast	F	BL3
Business Law	Australia, east coast	M	BL4
Business Law	Australia, east coast	F	BL5
Corporations Law	Australia, east coast	F	CL1
Corporations Law	Australia, east coast	F	CL2
Taxation Law	Australia, east coast	M	TL1
Taxation Law	Australia, east coast	F	TL2
Taxation Law	Australia, east coast	M	TL3
Group 2			
Legal studies	UK, central	F	UK 1
Legal studies	UK, north	M	UK 2
Legal studies	USA, south	F	USA 1
Legal studies	USA, south west	M	USA 2
Totals	**10 Aust/ 4 UK-USA**	**8M/7F**	

Table 2. Teacher interviewees

Online Student Survey

To answer the question about student perceptions of the usefulness of IRAC, an online survey instrument was designed for the students of interview Group 1 teachers who had introduced the IRAC method from the start of semester. The survey was made available to 600 students enrolled in 2018 over five undergraduate and six postgraduate legal studies courses in the Australian case study university. The voluntary survey was accessed via an internet link on their course website. The legal studies courses are offered to students in a business school with a significant proportion of international students for whom English is not their first language. Indicative enrolment proportions for postgraduate students, but only for 2016, are in Table 3 below. For undergraduate courses the percentage of international students can be in excess of 50%.

Year & Semester	Total Number of Students	Number of Domestic Students	Number of International Students	International Students: percentage
2016 Sem 1	693	36	657	95%
2016 Sem 2	473	21	452	96%

Table 3. Postgraduate students: indicative enrolment numbers
Source: authors

It was estimated that the ten-question online survey would take participants five to eight minutes to complete. The survey questions and responses are provided in the findings

section. It is noted that Question 2 contained emoji images. Emoji introduce human body language into the impersonal, abstract space of electronic communication. A range of expressive faces are part of the simple emoji, which originated from 1992 with the rise of personal computers. As survey participation can be low, the emoji-based question might be seen as possibly attractive to the student demographic (aged 18 to 26), especially those with English as a second language. Inclusion of emoji as a survey tool is becoming a popular way to quickly capture emotional reactions. For instance, they are used by both British Rail and Australian Customs in customer surveys. The results of emoji use can reveal something unique about contemporary human reactions, as seen in these sample emoji:

(Kaye, Malone, & Wall, 2017, p. 67).

After pilot-testing, separate surveys for each different legal studies course were administered and results collected in the last three weeks of the semester, after the students had completed their mid-semester tests.

Australian Case Study Findings
Pre-Semester Interviews

Group 1 teachers were interviewed about the methods they applied in legal studies prior to the commencement of semester 1, 2018. The average teaching experience was 20 years, and all interviewees had taught either or both postgraduate and undergraduate business students. The initial question concerned the challenges of teaching legal studies to non-law students. Questions 2 to 7 were specifically about the IRAC method.

In the interview highlights below, the first response is from first-year business law teachers, then second-year corporations law teachers, and then taxation law teachers of second- or third-year courses. This order reflects the typical order in which the various legal studies courses are taught to business students over their degree course.

1.   **What challenges do you think your business students have studying law courses?**

For the large cohorts of international students (predominantly from mainland China), comprehension and application are key issues as legal studies courses are highly language-based. Teachers of business law and corporations law agreed that language competency was the greatest challenge facing their students, closely followed by shortcomings in writing skills, which is interlinked with English language challenges (BL1, BL2, BL3, CL1, CL2). In addition, BL2 remarked that culture was a decisive challenge for international students.

The interviewees who teach tax law had similar comments, adding that language challenges meant business students struggle with legal analysis, which is compounded by the volume of legislation prescribed in the tax law course (TL1). Business students tend towards 'black and white' thinking, rather than tackling the 'greys' inherent in law (TL2), i.e. the 'slippery nature of legal concepts' (TL3). The three interviewees noted that the answer structure required in their course was a major challenge for all students.

2.   **How long have you used IRAC? Why did you decide to use your form of IRAC?**

Interestingly, some of the interviewees have used IRAC since they started teaching legal studies (BL2, TL1, TL2). Most could not remember being formally taught the IRAC method as students, and no interviewee knew of its precise origins. IRAC had been a method or tool 'from day one' of teaching for BL2, and 'from week one' as a student at university (TL1). For BL3 the decision to use IRAC was simply that 'as a tutor there was the obligation to follow the instructions of the course leader'. TL2 was also told to use IRAC (for teaching

tax law) and had noticed the Law Faculty used it as well. This raises institutional theory's concept of coercion.

A common reason for teachers using their own version of IRAC was to offset (or minimise) what they saw as flaws of IRAC, namely students overusing sub-headings in problems set in class with the frequent use of 'Issue', 'Rule', 'Application', and 'Conclusion' as sub-headings in their assignments. Students doing this interpret the method as a 'magic formula' (BL2); others agreed (BL 4, CL1). However, some students show little '…understanding of what it is they're actually doing' (BL4). TL2's comments contrast with those of TL1, who chose to use an adapted version of IRAC because 'it is critical for students to find the tax issues in the set of facts provided'. TL1 claimed that 'this is where IRAC is most useful as a tool for students. A student needs to identify the legislative rules, apply them to the facts of the case and then draw a conclusion'. TL3 became aware of IRAC at some time into their teaching career before using it as a result of exposure to the method through colleagues.

3.   Given the IRAC method varies widely, can you describe how you use IRAC for teaching?

All interviewees provided concrete examples of using the IRAC method. For example, CL1 stated: 'I tend to get students to use the IRAC part in separate paragraphs, but actually trying to …have it as the answer, rather than having a heading of an issue …'. From week one, TL1 asks students to use IRAC in tax law, by providing an illustration in the first lecture. TL1 explained that even though topics and tax issues are predictable in the first weeks, it is 'better to start with IRAC early'. TL2 stated: 'The more you repeat [the IRAC process] the more it becomes a habit'. TL3 uses IRAC in various tax law courses even though many different legislations might apply. While not relating strongly to the IRAC terminology, TL3 nonetheless explains to students the same process of identifying the issue and 'rules', then applying the rules to the facts and drawing a reasonable conclusion.

These responses support the theme found in the literature that users of IRAC love to adapt or fine-tune the methodology (e.g. Edwards, 1995). Consequently, their responses support the idea found in the literature that IRAC is universal, or that its elements are seen as a necessity. This perception found support throughout the interviews.

4.   Could you provide some sort of definition of IRAC?

Some interviewees said that IRAC is a 'framework', while others said it was an assessment tool (CL1, CL2). Most argued that IRAC was a method of thinking, or analysis (BL1, BL2, BL3, BL4, BL5, CL1, TL1, TL2). For TL1, 'IRAC is the legal process for answering a tax law question'. TL2 stated: 'It's a method of getting students to look beyond simplistic answers to understanding that there's critical analysis involved in answering law questions'. These comments identify another attribute of IRAC — as a form of critical thinking, or a tool for learning rather than an end in itself.

5.   Would you describe how you share your use of IRAC with other teachers?

The teachers of business law and corporations law habitually discuss the use of IRAC with their peers. BL4 tells tutors: 'You can talk to them [students] about it. You can show them the logic behind it, but when I get my answers, I don't want it broken up [into IRAC headings]'. CL1 stated: 'I just assume that everybody uses IRAC, or some form of it, even if they don't call it IRAC because ultimately you've got to find the legal issues'. TL1 explains IRAC in the first tax law lecture and then asks the tutors to follow up. TL3 expects tutors to

'glean' the type of IRAC approach that is in current use. The coercive, perhaps mimetic transmission of IRAC is evident.

6.   Can you describe the positives you have observed from your students who have used IRAC?

The teachers of business law and corporations law agreed that one of the positives of IRAC was the structure it provides for student answers. Some recognised that IRAC assisted struggling students (BL1, BL2, BL5, CL1). BL2 stated: 'Students have a tendency to do that [simply say A is wrong without justification]. The IRAC method helps, I guess, with a more considered and well-founded approach, rather than just jumping straight to an answer'.

Structure and methodology were also cited as positives by TL1, who noted that IRAC 'gives tax law students a structure …a methodology, although the application requires practice'. TL2 claimed: 'Students like to have a framework in which to operate …in which to answer questions'. And TL3 has seen 'a lot of positive learning experiences through the IRAC method because students can quite often be perplexed at the outset about legal problems'. TL3 also mentioned that science and engineering students undertaking legal studies 'like to have some kind of formula to follow'. Some interviewees, who were generally critical of IRAC, conceded some usefulness in the method around promotion of analysis, but not as a method conducive to good writing (BL1, BL4). Again, these responses suggest that IRAC is a method of critical thinking and analysis.

7.   Can you describe how you will start your form of IRAC during semester one in 2018?

Only BL1 did not start the semester by prescribing IRAC, preferring to suggest students find their own style rather than use IRAC as a 'lifeboat'. Other teachers introduce IRAC early in the semester, from the very first week (BL3, BL4, TL1, TL2, TL3). While BL5 emphasises IRAC at the beginning, then method is likely to be relaxed as student competency increases over the semester.

Common Interview Themes: Pre-Semester

A range of themes emerged from the interviewee responses. The first is the idea that although law shares similarities with other disciplines it is nonetheless different. It has a rules-like basis similar to many of the STEM disciplines, but also significant uncertainties and intangibles — or 'grey areas' — that can also be found in the more liberal arts. Legal studies requires more analysis from students than other business units. These factors, when combined, often result in the absence of 'black and white' answers, thus creating the appearance, to students exposed to legal studies for the first time, that law is chaotic. Law can be overwhelming in the sheer volume of its content. Hence the need for the IRAC framework with all the components required of a legal answer. The second theme emphasised by interviewees, was around the challenges faced by a cohort of predominantly international students whose first language is not English. The third theme from the interview data is the universality of IRAC, which is explored further in the discussion section.

Post-Semester Interviews

At the end of semester one of 2018, four questions were posed to the Australian teacher interviewees to reflect on their use of the IRAC method. Most of the business law, and half of the corporations law, interviewees confirmed they used the approach described in

their pre-semester interviews. The finding highlights from this interview set are summarised below.

1.   Did you make a 'more conscious' effort to use your form of IRAC?

BL1, BL3, BL4 had made a more conscious effort to use IRAC, while BL2, BL5 and CL1 did not. BL5 tried to adapt IRAC to reduce its rigidity. For BL4 '… although I have perceived disagreements with IRAC, I actually used it in my teaching, and that's maybe a bit of an eye-opener'.

Tax law lecturers confided that they provided little direction, or conscious effort, to reinforce usage of IRAC by their tutors. 'There were no extras' other than material presented in the first classes (TL2). TL3 generally agreed with that observation.

2.   Did you modify/adapt IRAC throughout the semester for any reason?

BL3 and BL5 said they had modified IRAC during the semester. BL3 shifted the focus to a closer combination of the 'rule' and 'application' stages by circling the letters 'R' and 'A' on the whiteboard in a demonstration in class. CL1 followed BL3's approach. BL5's approach was modified within the constraints of class time, but managed to relax the IRAC approach to encourage less rigidity in student answers.

There was no modification of IRAC by the tax law teachers: 'It was used in its basic form for test practice questions' (TL1). 'Definitely, I emphasised identifying the relevant law or the rule' (TL3). TL2 reflected on efforts to move students beyond using IRAC for basic legal writing, but 'I had only some success'. A more normalised approach to the IRAC method seemed to be evident towards the end of semester.

3.   Can you describe the positives you observed in semester one 2018 from your students who used IRAC?

One positive of IRAC that stood out for interviewees was that it provided a structure that was easy for students to use. IRAC was seen as especially important for international and first-year students (BL1, BL5, CL1). BL5 noted its ease of use was instrumental in developing confidence in building answers. BL1 said: 'Well, I guess for many students, they get a good sample of how to structure a problem, a question, and then answer, that is valid that they could use in any area. In that sense, the structure IRAC offers is something that you could apply in any kind of say [situation] and that is good'. In other words, BL1 was reinforcing the notion of IRAC being a 'lifeboat', but more importantly this relates back to the universal nature of IRAC.

TL1 reported evidence of IRAC being used by students in tests, with personal feedback indicating that IRAC's structure was regarded as useful by some third-year international students studying tax. TL2 thought the basic method was taught well in the early years and so by third-year 'they're already thinking in the right way because of IRAC'. TL3 reflected: 'I have students who are international, and struggle to see with clarity what the questions are asking them. So IRAC has given them a certain degree of comfort …a strategy'.

4.   Can you describe the negatives you observed in semester one 2018 from your students who used IRAC?

Interviewees criticised IRAC as being too rigid (BL1, BL4) — a perceived flaw which is consistent with the literature. However, the most common criticism was student use of IRAC prompts as sub-headings (BL2, BL3, TL2). It was problematic and time-wasting for assessment tasks (TL2). Rigidity was caused by students' misperception that by slavishly applying IRAC, the result would be a good pass mark (BL1, BL3, BL5). BL1 found that the

unthinking use of IRAC retards the development of writing skills: 'IRAC shouldn't be something that allows a student to get a good mark or pass without developing a basic level of writing skills'.

Related to these criticisms were the efforts by some students to apply IRAC to all problems as a 'one box fits all' (BL4). BL5 seemed to agree. 'This approach is a waste of time, for instance in tax calculation questions' (TL1). Students need feedback on incorrect approaches to IRAC (TL3). Another negative of IRAC was its use in conjunction with pre-prepared answers purchased by students from private study colleges for use in open-book exams (BL5). Although the IRAC method seems to have become normalised within this 'professional' sample, flaws that require reflection by the group have become evident.
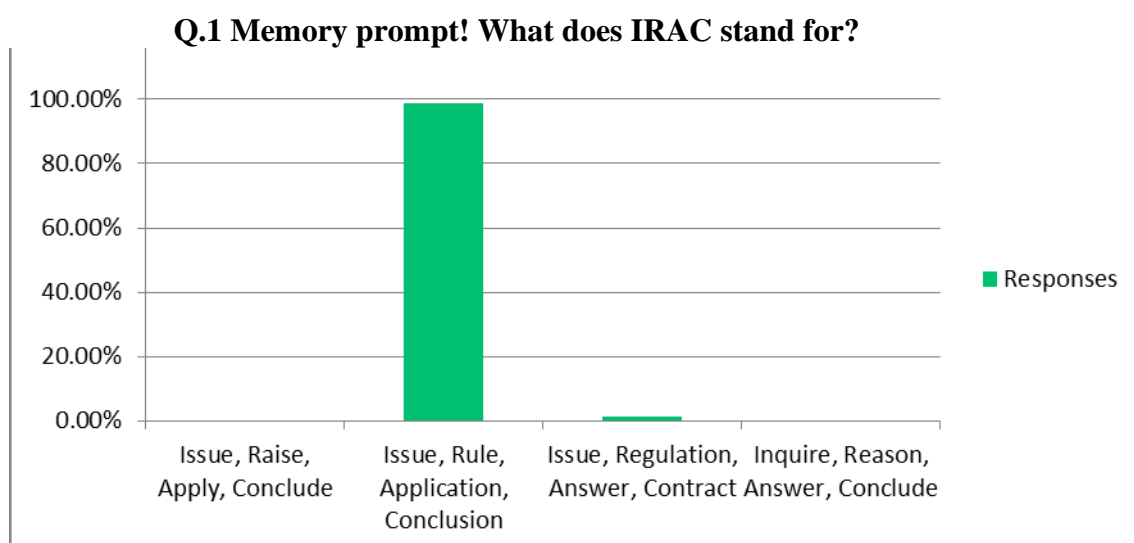
Common Interview Themes: Post-semester

A positive theme from the post-semester interviews was the observation that the use of sub-headings had reduced during the semester, although it was noted that they reappeared when the students were under time pressure, such as during the final exams. On the other hand, post-semester interviews indicated that the main negative impact of IRAC concerned students adopting a robotic approach. This mechanical 'prop' was often excused by teachers as being a means to cope with, or hide, poor language skills. These themes are revisited in the discussion section.
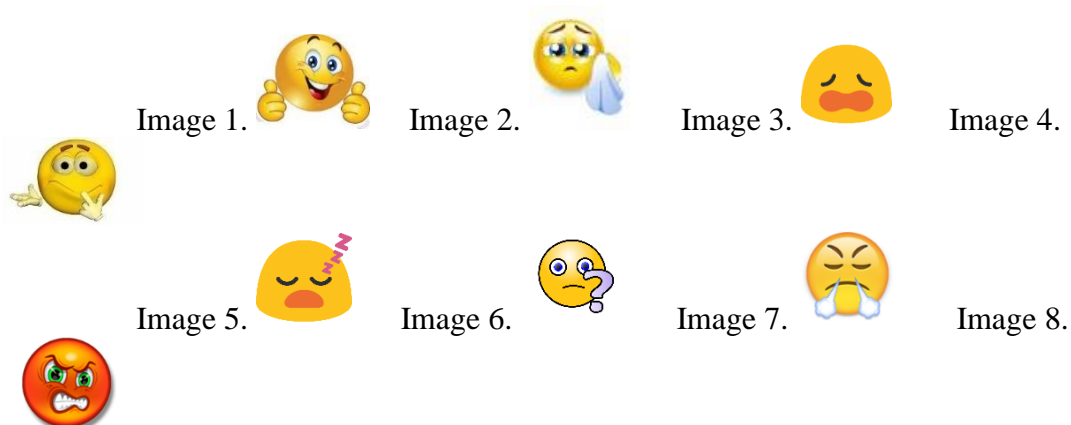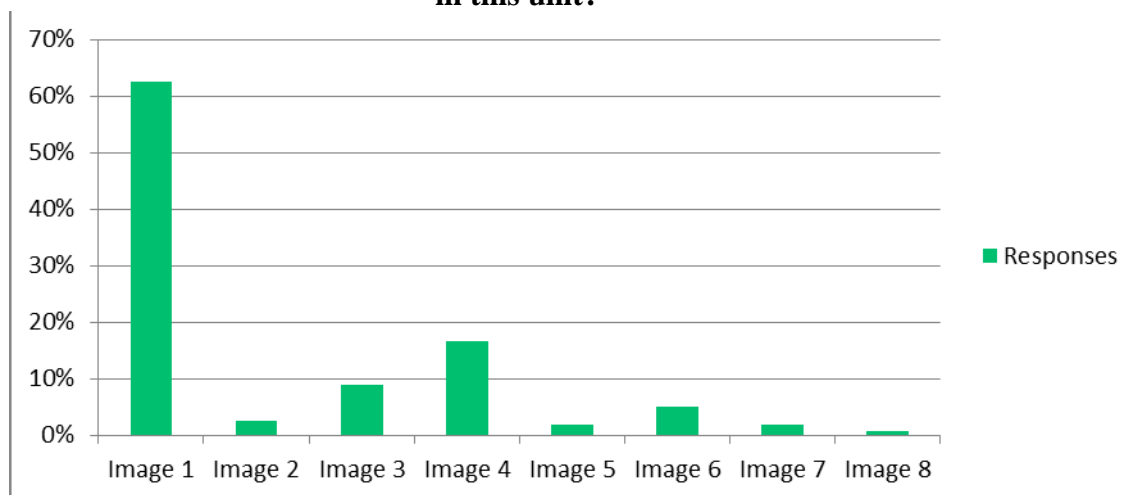
Student Survey

This section provides the consolidated findings from the online student survey. While the authors obtained separate results for both undergraduate and postgraduate law courses, there were no large differences in results. This is because the postgraduate student cohort is significantly international and taking Australian law courses for the first time.

Students were asked twice by their (Group 1) teachers to volunteer to complete the survey. This finally resulted in 157 responses from a student cohort of 600, a 26% response rate. In line with a qualitative approach, descriptive statistics and comments on the results of each question are provided here.
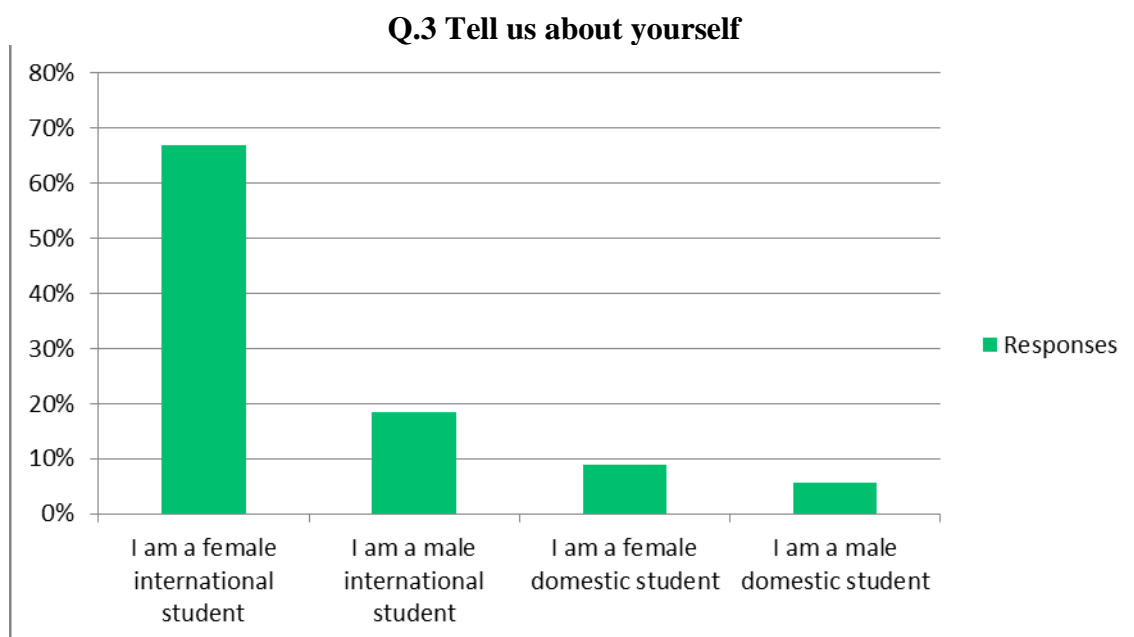
Q.1 Memory prompt! What does IRAC stand for?

The Q1 findings from 157 responses indicate that students have a basic understanding of the acronym IRAC. This result is interesting in view of the many iterations of IRAC in the literature (see Table 1) and amongst the teachers interviewed in this study.
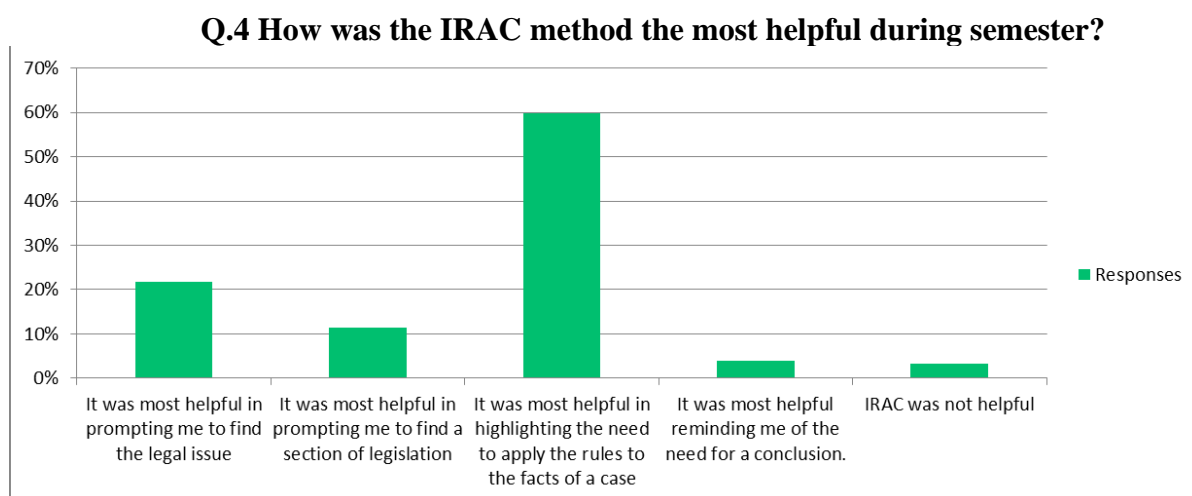
Q.2 Which one of these images captures how useful the IRAC method has been for you in this unit?

Image 1.   Image 2.   Image 3.   Image 4.

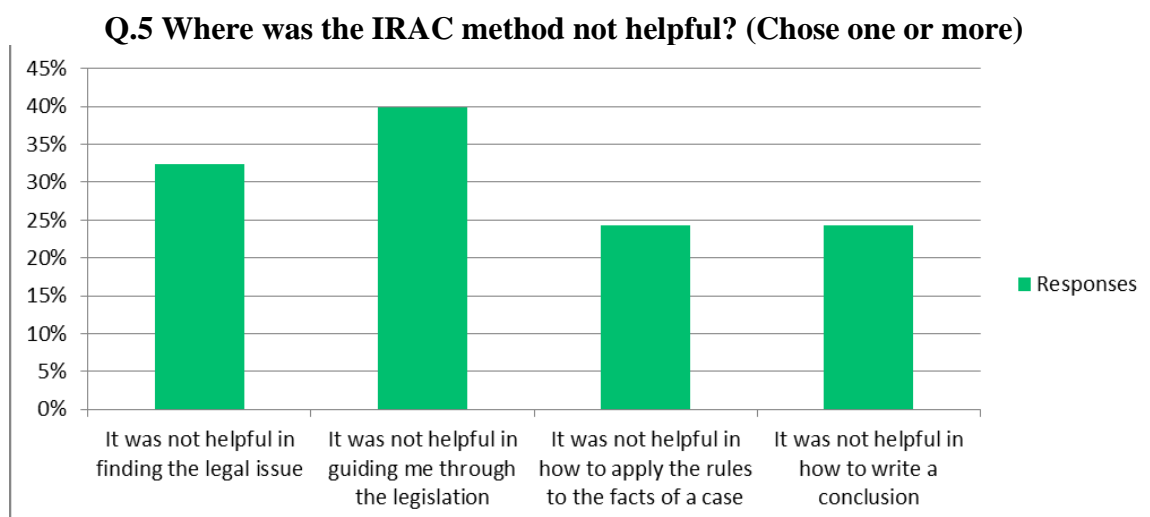
Image 5.   Image 6.   Image 7.   Image 8.

By the end of semester, all students had used IRAC in a test, generally worth about 20% of their grade. From the 157 responses to Q2, 62% had indicated a happy (comfortable) emotional reaction to the IRAC method (Image 1). Nonetheless, 14 (9%) were bored by the exercise (Image 3); and 11 (17%) were perplexed (Image 4), perhaps because of a misunderstanding about the best use of IRAC. For example, one student wrote: 'IRAC is not explicit enough for me to know exactly the content that I need to write in each of the 4 parts.'

Q.3 Tell us about yourself

Q3 shows international females had the highest participation rate, even though male and female international enrolments are roughly similar. Domestic student enrolments are a definite minority in the case study's legal studies courses, which may account for their seemingly low participation rates (see Table 3).

Q.4 How was the IRAC method the most helpful during semester?
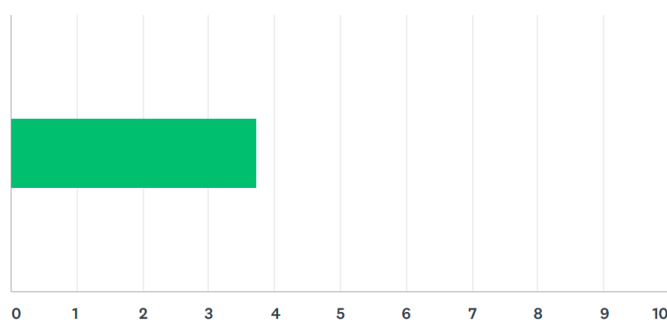

From the 157 student responses to Q4, the most significant finding was that IRAC was seen as most helpful 'in highlighting the need to apply the rules to the facts of the case'. This outcome should please any advocate of the IRAC method, given the complexity of applying a theory or rule to a given situation in legal studies.

Q.5 Where was the IRAC method not helpful? (Chose one or more)

The first two options for Q5 received higher 'not helpful' ratings from student participants. The 148 responses indicate that the IRAC method may not 'help' one to find a legal issue in a hypothetical legal case, nor will the method 'guide' one through legislation. These responses indicate that for a student to find a legal issue and associated legislation in a hypothetical question, adequate study to understand the course content is essential. IRAC simply guides good students towards a structured answer.

Q.6 Rate the usefulness of the IRAC method in your legal studies

Answered: 157   Skipped: 0

ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	4	585	157
Total Respondents: 157			

In responding to Q6, student participants rated IRAC as only a 3.8 out of 10 in usefulness. This is in contrast with the survey results for Q2. As mentioned previously by TL2 in the pre-semester teacher interviews, IRAC is a 'method of getting students to look beyond simplistic answers', rather than an end in itself.

Q.7 Tell us in about 20 words how useful, or not, you have found IRAC during this semester
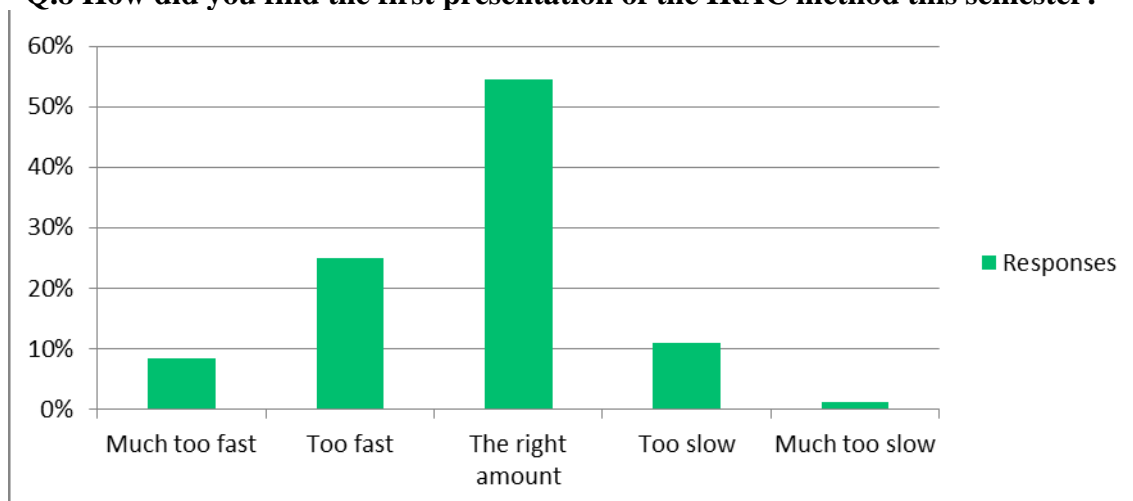
Answered: 106   Skipped: 51

answer question use apply good find think helps clear
useful question IRAC rules case helpful issue
structure law us method answer

Figure 1. Survey generated word cloud generated from responses to Q.7

Figure 1 depicts the word cloud generated from the most often used words in student responses to Q7. The higher the word usage the larger the font. Positive participant responses used the leading word 'useful'. Examples of these responses were: 'It's useful to organise the answer'; 'IRAC helps us to better understand the logical sequence of case analysis;' and, 'to be honest, if I did not learn the IRAC method, I would have no idea about how to answer questions for the exam!'
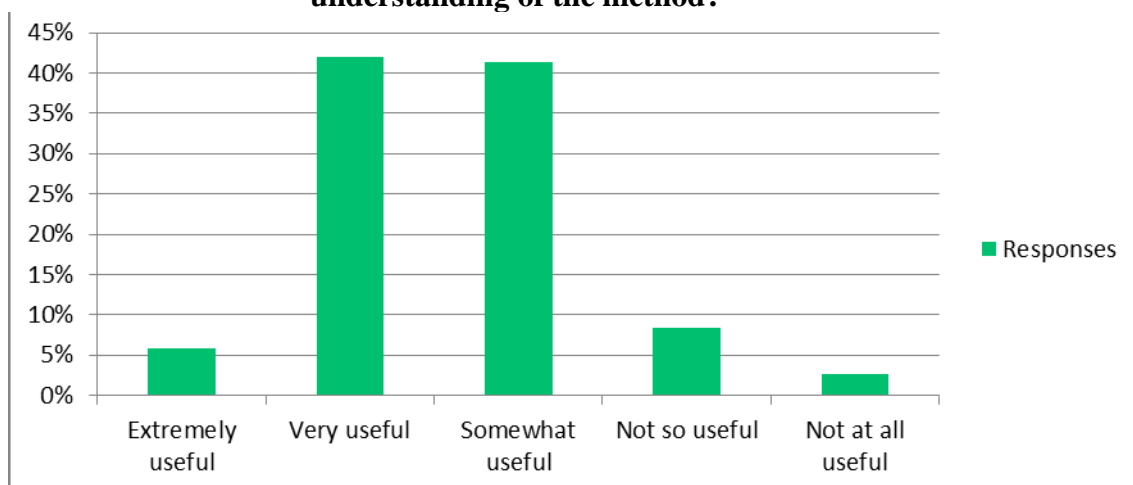
Written responses in the negative indicate the IRAC method was perceived as a lengthy approach that did not work in long multi-issue assessment tests. For example, typical responses were that: 'It costs too much time to find an answer from IRAC'; 'I have problems with 'the time to write down all the IRAC parts'; and 'IRAC doesn't help us identify the legal problems'. Another student may have been confused: 'There are a lot of overlaps and teachers have different opinions on the IRAC method.'

Q.8 How did you find the first presentation of the IRAC method this semester?

Of the 157 responses to Q8, 55% thought the right amount of explanation about the IRAC method was provided at the start of semester. This is a significant result, for a slower pace of explanation could have benefited an extra 25% of the student cohort. BL1, BL3, BL4 had made a more conscious effort to use IRAC during semester [and perhaps further explanation] but the other teachers did not review IRAC for their students. The need for a teacher's reflection on the use of IRAC has already been identified.
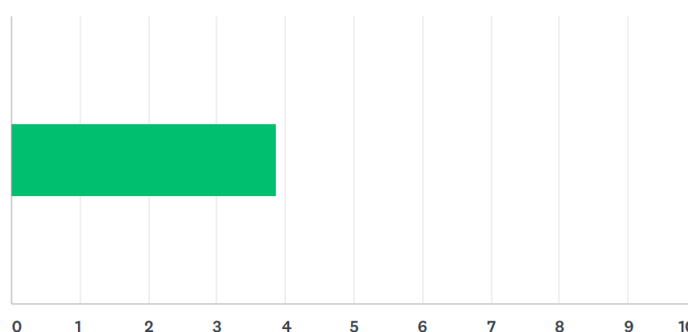
Q.9 How useful were the IRAC resources in your text book/unit website to your understanding of the method?

Almost 90% of the 157 responses to Q9 indicated that IRAC materials were useful.

Q.10 How likely is it that you would recommend the IRAC method to friends enrolling into this course next semester?

ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	4	600	155
Total Respondents: 155			

For Q10, with 155 responses, the average rating for recommending IRAC to friends was only 3.9 out of 10. Student written responses provide insights about this low score and include acknowledging the benefit of IRAC for first-year legal studies (such as business law), but for third-year subjects (such as tax law), IRAC is less useful because, as one student wrote: 'in tax law we need to write about too many issues and too many conclusions in the one question'.

Discussion
Effectiveness

A theme evident from the Australian teacher interviews was a difference in views about the effectiveness of IRAC, a schism also found in the literature (Iijima & Cohen, 1995). The irony is that despite some scepticism, those critical of IRAC (BL1, BL2, BL3, BL4) continued to use the approach, indicating that whatever IRAC's flaws it provides a fundamental platform — a foundation that is universal in nature. Teachers modified the structure of IRAC, illustrating that, as a methodology of critical thinking, it is in fact flexible and adaptive. Some interviewees claimed that early in their teaching careers they were instructed by course leaders to use IRAC. By contrast, the legal studies academics from the UK and USA were more pragmatic, with two explaining that IRAC is a standard method introduced to first-year students (UK2, USA2). This indicates institutional theory's 'homogenisation' (Di Maggio & Powell, 1983) of teaching methods.

Some Australian teachers made particular reference to students' laborious use of IRAC sub-headings (BL2 and BL4). These teachers consider the use of any headings irrelevant to the subtleties of law: and consequently consider the method flawed. BL4 did reveal some tolerance for this flaw: 'the students who use IRAC make the same mistakes of using [headings], but by the end of semester they're fewer now'. BL1 was concessional as well: 'What direction you must take doesn't matter. There is a difference between my approach and maybe a classic IRAC approach'. Again, using an institutional theory concept, the 'mimetic' use of IRAC has led to the homogenisation (via isomorphism) of teaching approaches in the case study institution, despite the resistance by some individuals, such as BL1. Considering that most participants in the teacher interviews and student surveys found benefits in the use of IRAC, it could be argued that this convergence is a positive outcome.

Usefulness

The concerns displayed by some teachers over IRAC were not evident in the student survey on its usefulness. For the emoji question Q2, some 62% of student responses were happy (comfortable) with the IRAC method at the end of semester. Their responses indicate that IRAC provides reassurance to students, as suggested in the literature (Schnee, 1995) and by interviewees (TL1, TL2, TL3). Nonetheless 17% of student responses indicate they were perplexed by IRAC. This may be explained by the fact that some teachers use 'classic IRAC', while others use 'their own form' of IRAC (e.g. BL1, BL2, TL2). Student confusion could be the result of how the methodology was taught, especially by those teachers who were critical of IRAC and yet were instructed to use it by their course leader.

In Q4 responses to the student survey, 60% saw IRAC as most helpful 'in highlighting the need to apply the rules to the facts of the case'. This point was further supported by Q5 survey results, which reveal most students were correct in their understanding that the IRAC method will not 'help' them to find a legal issue in a hypothetical legal case, nor will it, 'guide' one through legislation. Although students were critical of the early semester explanation of IRAC (see Q.8 results), by the end of semester many had found that it was most useful as a tool 'in highlighting the need to apply the rules to the facts of the case'.

In terms of imparting the intricacies of IRAC to students, the teacher interviews provided practical application examples and the student survey indicated they were fairly successful. The student survey for Q8 reported that 55% of respondents felt the right amount of explanation was given at the start of semester. However, by semester end, after a number of course assessments, the student survey responses for Q6 only rated IRAC an average of

3.8 out of 10 for usefulness; while Q10 responses indicated participants rated recommending IRAC to friends at only 3.9 out of 10. These low scores could indicate that IRAC serves a useful tool for beginners, who have not been exposed to legal methodology before. However, as their confidence and ability develop, students may begin to feel restricted by the approach (Fine, 1995).

A theme from teacher responses in post-semester interviews pointed to students in the later law courses developing their own style of legal writing, while still including all the relevant components of the IRAC approach (TL2). Alternatively these findings could suggest that IRAC is better suited to planning an answer — as suggested by some of the interviewees (BL4) and in the literature (Edwards, 1995). The low recommendation rate could also indicate a mismatch between the teachers' demonstration and promises about IRAC as a tool, and the complexity of test papers consequently administered.

As TL1 stated: 'I use more *multi-issue* type exam questions, compared to class time questions.' An external academic (USA2), also uses multi-issues in assessment questions. This point supports the case study findings of the decoupling of IRAC theory from its practical application, with teachers not making it clear how to use IRAC for complex questions. This finding links to a limitation identified in the literature (Jacobson, 1995). IRAC may provide a false sense of security to struggling or beginner students who believe that following it rigidly will ensure a successful grade. This conclusion is consistent with the first theme found in the post-semester interviews: that a rigid application of IRAC was used by students to disguise weak language skills.

The Need for Reflection

This Australian case study indicates that while IRAC has become a normalised, legitimate practice, its use needs some reflection. Educators should review whether IRAC is enabling their specific cohort to develop confidence and competence when answering questions about legal problems. Evaluations of courses and exam papers could resolve the claims of students' robotic over-use of IRAC and/or the inappropriate use of headings. The Australian teachers had no consistent definition of IRAC, even though it has become a normalised practice. A substantial review in the Business School at the case-study university, and the implementation of review recommendations, could lead to consistent teaching of the methodology across the various courses, thereby ensuring that students develop their own writing style once they have mastered the methodology. By third year, students have been exposed to several legal studies courses and teachers, prompting a student to respond to Q7 of the survey with: 'There are a lot of overlaps and teachers have different opinions on the IRAC method'. This type of comment reinforces the need for reflection by course lecturers and tutors.

Pre-semester teacher interviews identified IRAC positives ('well-founded approach rather than just jumping straight to an answer') and IRAC negatives ('rigidity', 'overuse of headings' and 'formulaic'). Interestingly, these points were reflected in the students' responses to survey Q7. The need to reflect was validated by an academic who said, 'in the UK we refer to IRAC as *newer skills,* which is about how to effectively read a text, how to solve a case, to prepare a skeleton argument…' (UK2). Another external academic (USA1) confided that she needed to radically supplement her Socratic approach with IRAC teaching methods because she felt her tenure was at risk, given students were failing her courses. She conceded that the core problem was perhaps her inexperience as a teacher, rather than a specific teaching method. Both these UK and USA academics reinforce the Australian case

study findings about coercive and mimetic pressure by the profession that bring new 'norms' to teaching practice.

In their post-semester interviews some teachers were more conscious of IRAC and had discussed its elements with colleagues; and others had modified their teaching of the method. Such modifications reflect the plethora of variations found in the literature (Table 1). Individual's pre- and post-semester interview comments about IRAC, whether positive or negative, did not vary greatly, although BL1 shifted to be more concessional about IRAC. Where educators actively encouraged students to remove IRAC headings, those students began to develop better written responses to in-class and exam questions. This result suggests that at least this particular flaw of IRAC is not intrinsically due to the methodology, but how it is taught. If teachers continue to review their teaching methods, this may, over time, lead to the end of the IRAC steps being used as sub-headings.

Universality

One of the major themes identified in the interviews and the literature is that IRAC provides a framework and a universality. The Australian case study shows a clear use of IRAC over many years that seems to have been driven by its law discipline members, most of whom share similar professional training (Di Maggio & Powell, 1983), reflecting the universal thematic nature of IRAC, as identified in the literature and further confirmed by the interviewees' responses.

Most Australian teachers, and all four external academics, were unaware of the origins of IRAC. TL1 stated: 'Perhaps IRAC is used in other Australian university tax law courses' because the approach is evident 'in the textbooks we prescribe'. The mimetic use of IRAC could be the outcome of coercive pressure on those who have joined academia from the professions but lack formal teacher training. Tutors are expected to glean the practical implementation of the IRAC method. This vicarious way of learning about teaching methods was also the experience of the external academics, all of whom are professionals who joined academia with no formal teacher training (UK1, UK2, USA1, USA2). One mentioned using IRAC as a result of a peer-assessor's recommendation (UK1), a form of 'coercive' pressure by the profession, which supports the case study findings.

Conclusion

The diverse views about IRAC methodology among the 14 Australian case study teachers were mirrored in the literature, and by the two UK and two US teachers. A key finding of this research is that IRAC has been adopted by teachers because of its flexibility, logical structure, and the necessity of its components to a well-prepared legal answer. However, specifically in a university business course, it is only effective if teachers disseminate these features more consistently over the period of the course. This point was drawn from the critical student feedback: that IRAC is useful if it can be applied to both in-class and exam assessments. In other words, while students found IRAC to be a useful tool to identify various components of a legal problem — such as the application of knowledge — they found it to be limited when moving from an IRAC theory demonstration to answering complex multi-issue exam questions. This decoupling of the IRAC theory and its application is both puzzling and alarming because the investigation found the elements of the IRAC methodology were considered by some teachers interviewed as necessary for successfully answering a legal problem. It is unclear whether this discrepancy can be explained by

inconsistent question planning or whether complex questions are appropriate, especially for students whose first language is not English. Another explanation could be that some teachers do not know how to instruct students in the adoption of IRAC for multi-issue problems.

The homogenised teaching approach that preferences IRAC suggests three isometric processes at play (coercive, mimetic and normative). Within the confines of this limited sample, the findings indicate that IRAC has become a normalised, legitimate method for legal studies teaching. Staff may feel unable to depart from a rigid adoption of IRAC, to work with students for an outcome that meets their specific needs. Consequently, it is recommended that there be greater collaborative efforts from teachers who use IRAC to enable students to progress their legal studies skills throughout their degree course. Such collaboration could resolve the decoupling of practice from theory. It may also enable students to adapt or refine their own writing style.

This investigation suggests there may not be problems with IRAC as a methodology, but perhaps in the way it is taught. Consequently, the next recommendation is that the use of IRAC in education needs periodic review and reflection. The IRAC teaching methodology continues to dominate Australia and the US, despite its challenges. For legal studies university teachers and students, IRAC is not an academic silver bullet but, with practice, it can be a tool to successfully develop student skills. A comparative country study of the efficacy of IRAC could be a future research project and overcome limitations of a single case-study.

Appendix One

INTERVIEW QUESTIONS~
       Group 1: Teacher questions, pre-semester
       1.   What do you teach and how long have you been teaching?
       2.   What challenges do you think your business students have studying law units?
       3.   How long have you used IRAC? Why did you decide to use your form of IRAC?
       4.   Given that the IRAC method varies widely, can you describe how you use IRAC for teaching?
       5.   Could you provide some sort of definition of IRAC?
       6.   Would you describe how you share your use of IRAC with other teachers?
       7.   Do you know if IRAC is a method peculiar to Australian legal teaching?
       8.   Can you describe the positives you have observed from your students who have used IRAC?
       9.   Can you describe the negatives you have observed from your students who have used IRAC?
       10.   Can you describe how you will start your form of IRAC during semester one in 2018?

       Group 1: Australian teacher questions, post-semester (debriefing)
       1.   Did you make a 'more conscious' effort to use your form of IRAC?
       2.   Did you modify/adapt IRAC throughout the semester for any reason?
       3.   Can you describe the positives you observed in semester one in 2018 from your students who used IRAC?
       4.   Can you describe the negatives you observed in semester one in 2018 from your students who used IRAC?

Group 2: External Teacher questions
1.   What do you teach and how long have you been teaching?
2.   Given that the teaching theories/methods for law vary widely, can you describe or define the teaching method you use in your law unit/course?
3.   Why did you decide to use your teaching theory/method for your law unit/course? How long have you used it?
4.   Do your other teaching colleagues use a teaching theory/method similar to yours for their law unit/course?
5.   Do you know if the teaching method you use for your law unit/course is peculiar to higher education in your country?
6.   Can you describe the positives you have observed from your students who use your method?
7.   Can you describe the negatives you have observed from your students who use your method?
8.   How did you introduce to your students the practical implementation of the teaching theory/method you are using this semester?

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