

PGDNL 2017
Memo Assignment
10th July, 2017

1. Memo: Outline

To: Hon. Chief Justice of Bhutan

From: Name of student submitting the memorandum

Date: insert date of submission

In re: Subject matter of the memorandum

1) Background - Facts:

- The identification of the relevant or material facts must be based on queries - W5H: What? When? Where? Why? Who? How?
- In a case there will be events, issues, a cast of characters, but the key to every case is its facts - cases are built on facts. All law suits arise as a result of disputes involving facts.

2) Issues – question(s) presented:

- Law suits are brought because one person believes another has violated some law. Thus, the primary issues a Court has to answer is whether a respondent or defendant is liable for violating a specific law or is guilty;
- An issue is a single, certain and material point arising out of the allegations and contentions of the parties. It is a matter affirmed on one side, and denied on the other.
- When a fact is alleged in the complaint and denied in the answer, the matter is then put in issue between the parties. Issue is a statement of the general legal question answered by or illustrated in the case.
- To find the issue, ask who wants what and then why the party would succeed or fail in getting it. Once done, the “*Why*” should be turned into a question;

3) Brief Answer:

- Yes/No. A brief justification – as to why Yes or No.

4) Rule - Relevant Provisions of the Law:

- The Rule is the text of the law that was identified in the “*I*” step or the legal principle. “R” section is the statement of rules, legal principles, precedence pertinent in deciding the issues identified.
- The statement of the rule or law that applies – quotation of the rule from a primary source or the restatement of the legal principle.
- The words of the rule also provide information needed for the conclusion step.
- If the rule is not accurately expressed – the analysis will be flawed.
- It is a legal summary of all the rules used in the analysis.

5) Analysis:

- The application section of a FIRAC applies the rules developed in the rule section to the specific facts of the issues at hand.
- It must contain a chronological explanation or argument why a particular rule applies or does not apply in the case at hand (develop arguments on both sides of the issue being dealt with);
- The application section of a FIRAC develops the answer to the issue at hand;
- It is a comparison of words of the rule that describes the conduct it prohibits, requires, or permits with the facts that describe the conduct that occurred in the case;
- Each element of the rule must be compared to the facts of the case methodically;

6) Conclusion:

- The conclusion section of the FIRAC directly answers the question presented in the “I” section. This section restates the issue and provides the final answer.
- If the facts and the rule described different conduct that is, one or more elements were not satisfied – the conclusion stated in the rule is not reached – not liable or guilty outcome.

7) Respectfully submitted,

8) Honor Code: This Memorandum is an original work of the author, and the opinions contained in the Analysis as well as the Conclusion are the author’s own. Proper reference and acknowledgement has been provided to any external work which may have been used herein. (**Avoid plagiarism**)

FIRAC - its relevance: The legal system revolves around resolving disputes through the application of rules of law to the facts of the case. The Trial judge must determine the facts and issues. The Trial Judge must resolve the dispute applying the applicable laws to the relevant facts and issues identified in the case (FIRAC – legal analysis). *The major components of dispute resolution process are: the applicable law, facts, and issues.*

Check List:

- Ensure all facts and issues are rebutted and dealt with clearly and precisely;
- Were all facts and issues corroborated with evidence and logical arguments;
- Is the analysis as thorough as possible?