

Torts Problem Question Answer Rubric

Preparation resources:

- JD Advising, [How do I answer law school exam questions?](#).
- Touro Law Center, [Working with IRAC](#).
- B. Friedman & J.C.P. Goldberg, *Open Book: The Inside Track to Law School Success* (2nd ed, [New York: Wolters Kluwer](#), 2016).
- Problem Question exercises: <https://blogs.ubc.ca/beswick/torts-quizzes/>.

Expectation	Skill
Planning and Organisation:	
<ul style="list-style-type: none"> • Spot and sort relevant issues. • Side-line irrelevant issues: don't throw in the kitchen sink. • Use appropriate headings or signposting. • <i>Apply IRAC analysis below to each issue.</i> 	<ul style="list-style-type: none"> • Is your answer clearly structured? • Is it comprehensive? • Is it persuasive?
Issue:	
<ul style="list-style-type: none"> • Identify the relevant issue with respect to the material facts. 	<ul style="list-style-type: none"> • Can you identify an important issue from the facts? • Do you understand the problem that needs to be solved?
Rule:	
<ul style="list-style-type: none"> • Identify and cite relevant authority/authorities. 	<ul style="list-style-type: none"> • Do you know the law that bears upon the issue?
Application:	
<ul style="list-style-type: none"> • Apply relevant authorities to the facts in a considered and balanced way. • Reason with respect to relevant facts. • Cite, and apply or distinguish, relevant authorities. Are they binding or dicta? • Consider arguments on both sides. • Allocate time/detail according to importance/complexity of issues. • Identify and analyse any sub-issues before moving on to the next substantive issue. E.g. a defence will be a sub-issue of the larger issue of whether Δ is liable for a particular tort. 	<ul style="list-style-type: none"> • Is your answer persuasive? Is it appropriately detailed? • Have you adequately addressed any ambiguities in the law or facts? • Have you considered relevant doctrines, principles and policies in the law? • Have you considered both sides of the argument? • Can you corral the facts and law that Π would argue? Can you corral the facts and law that Δ would argue?
Conclusion:	
<ul style="list-style-type: none"> • Reach conclusions that are supported by your analysis. 	<ul style="list-style-type: none"> • Have you persuaded me as to which side has the more compelling argument? • Is your conclusion supported by your analysis?

Torts Essay Question Answer Rubric

Preparation resources:

- [Mark Elliott, 'Writing a Law Essay? Remember to Argue!' \(Feb. 16, 2022\).](#)
- Essay Question exercise – [Why Care about Fault?](#).
- [Types of Legal Scholarship](#) slide #8.

Expectation	Skill
Introduction:	
<ul style="list-style-type: none"> • Restate the question in your own words, clarifying legal terms/jargon as necessary. • Briefly identify the different possible positions on this issue and key commentators/judges you've encountered in the course who align with each position. • State your thesis and a three-pronged argument you will make in support of your position; present the strongest arguments, rather than trying to cover every possible point. 	<ul style="list-style-type: none"> • Do you understand the question? • Do you understand the debate and relevant course material? • Can you identify strong arguments to address?
Argument prong 1:	
<ul style="list-style-type: none"> • Use appropriate headings or signposting. • State your point of argument; what kind of analysis does it engage? • Use authorities from the coursebook or class to reinforce your argument; use specific cases and examples to illustrate. • Identify and respond to the weaknesses/criticisms of your argument; why are they ultimately not convincing? 	<ul style="list-style-type: none"> • Can you persuasively present arguments invoking issues and materials from the course? • Do you understand the different types of legal argumentation (e.g. doctrinal arguments, policy arguments)? • Can you identify relevant authorities and examples and demonstrate how they help your argument? • Can you identify and respond to relevant authorities and arguments that seem to run against your argument?
Argument prong 2:	
<ul style="list-style-type: none"> • <i>Ibid.</i> 	<ul style="list-style-type: none"> • <i>Ibid.</i>
Argument prong 3:	
<ul style="list-style-type: none"> • <i>Ibid.</i> 	<ul style="list-style-type: none"> • <i>Ibid.</i>
Conclusion	
<ul style="list-style-type: none"> • Draw together your argument. 	<ul style="list-style-type: none"> • Have you answered the question persuasively? • Was your answer organised and comprehensible? Did you get to the point?