The Logic of Law School: Part I
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Goals

1. Introduce Common Logical Structures and Approaches

2. Explain Fundamental Concepts that Underlie More Complex Legal Analysis

3. Demystify “Thinking Like a Lawyer”

4. Provide Tools for Success in Law School, on the Bar Exam, and in Practice
Overview

I. Syllogisms

II. Syllogisms and Legal Logic: “IRAC”

III. Syllogisms and Argument

IV. The Importance of Structure in Logic and Argument
I. Syllogisms
Penguins are black and white.
Some old TV shows are black and white.
Therefore, some penguins are old TV shows.
Syllogisms: The Heart of Logic

60% of the time it works every time
What is a Syllogism?

Definition:
A syllogism is a deductive form of formal logic that presents two premises that lead to a conclusion.

PREMISE 1 + PREMISE 2 = CONCLUSION
Syllogisms: A Basic Example

PREMISE: All dogs are blue.

PREMISE: Fido is a dog.

CONCLUSION: Fido is blue.
II. Syllogisms and Legal Logic
What Do Lawyers Do?

Lawyers serve clients. Lawyers (primarily) address legal questions or problems.

In doing so, they:

1. predict likely outcomes;
2. suggest solutions; or
3. make arguments to achieve a desired outcome.

In order to do this, they may:

(a) apply rules to factual situations;
(b) argue about what current rules mean; or
(c) argue for changes to the rules.
What Do Lawyers Do?

You can’t answer a legal question or problem unless you know what the question/problem is.

- Identifying the question or problem to be addressed is an important first step.

You answer a legal question/problem by applying rules to factual situations to generate conclusions.

- Identifying the rule(s) that (arguably) apply is an important next step.

- Once you identify the rule, only then can you apply that rule to the facts to generate a conclusion.
“IRAC”: The Heart of Legal Logic

I = Issue
R = Rule
A = Application (of rule to facts)
C = Conclusion
There's No "Magic" to Legal Logic
Legal Logic is Logic

I = Issue

R = Rule

A = Application

C = Conclusion

Question

Answer

Premise

Premise

Conclusion

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Syllogisms: IRAC in Action

QUESTION:

PREMISE: All dogs are blue.

PREMISE: Fido is a dog.

CONCLUSION: Fido is blue.
Syllogisms: IRAC in Action

**QUESTION:** What Color is Fido?

**PREMISE:** All dogs are blue.

**PREMISE:** Fido is a dog.

**CONCLUSION:** Fido is blue.
IRAC: The Importance of the Question

QUESTION: Is Fido a dog?

PREMISE: All dogs are blue.

PREMISE: Fido is a dog.

CONCLUSION: Fido is blue.

You Have Assumed the Thing You Are Trying to Prove. This is Circular Logic.
III. Syllogisms and Argument
Syllogisms and Argument

QUESTION: Is Fido blue?
PREMISE: All dogs are blue.
PREMISE: Fido is a dog.
CONCLUSION: Fido is blue.

Let’s say you wanted to dispute that Fido was blue. What is the strongest approach?

1) Dispute that all dogs are blue.
2) Dispute that Fido is a dog.
3) Expose a flaw in the logic.
Syllogisms and Argument

Let’s say you wanted to dispute that Fido was blue. What is the strongest approach?

1) Dispute that all dogs are blue.

2) Dispute that Fido is a dog.

3) Expose a flaw in the logic.

**HOW** do you know that’s stronger?

**Common sense / experience!**
Syllogisms and Argument

QUESTION: Is Fido a dog?
PREMISE: All dogs are blue.
PREMISE: Fido is blue.
CONCLUSION: Fido is a dog.

Let’s say you wanted to dispute that Fido was a dog. What is the strongest approach?

1) Dispute that all dogs are blue.
2) Dispute that Fido is blue.
3) Expose a flaw in the logic.
Syllogisms and Argument

What might this look like in writing?

“Plaintiff argues that Fido is a dog because all dogs are blue, and Fido is blue. However, this conclusion does not follow. Even assuming that all dogs are blue, it is not the case that all blue things are dogs. Blueberries, blue whales, and bluebirds are just a few examples of blue things that are not dogs. Thus, proving that Fido is blue does not prove that he is a dog.

Moreover, it is not the case that all dogs are blue. It is common knowledge that many dogs are white, gray, brown, black, or red. In fact, almost no dogs are blue. Thus, the fact that Fido is blue does not even suggest that he is a dog.”
IV. The Importance of Structure in Logic and Argument
Structure of Argument

TAKEAWAY:
You should think not only about WHAT points to make, but what ORDER to make them in.

What is the RELATIONSHIP, if any, between the issues?
Syllogisms: The Importance of Order

Are all dogs blue?
Fido is blue.
Fido is a dog.
All dogs are blue.

This syllogism contains all the right statements, but because it contains them in the wrong order, it makes no sense.
Syllogisms: The Importance of Order

That is why we teach you IRAC.

NOT IARC.

NOT ICAR.

NOT CARI.
Structure of Argument: Dependent and Independent Variables

Some variables are *independent* of each other. It doesn’t matter what order you discuss them in.

- *But the order may matter for clarity.*

Some variables are *dependent* on other variables. You need to discuss the independent variable before discussing the dependent variable.
Call of Question: Fluffy gives birth to live young and feeds them milk. All animals that give birth to live young and feed their young milk are mammals. Discuss whether Fluffy is a mammal.

Answer

"Is Fluffy A Mammal?"

All animals that give birth to live young and feed their young milk are mammals. Here, Fluffy feeds her young milk, and gives birth to them live. Therefore, Fluffy is a mammal."
Independent Variables and Clarity

Call of Question: Fluffy gives birth to live young and feeds them milk. All animals that (1) give birth to live young and (2) feed their young milk are mammals. Discuss whether fluffy is a mammal.

Answer

“Is Fluffy A Mammal?

All animals that give birth to live young and feed their young milk are mammals. Here, Fluffy feeds her young milk, and gives birth to them live. Therefore, Fluffy is a mammal.”
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Independent Variables and Clarity

Call of Question: Fluffy gives birth to live young and feeds them milk. All animals that (1) give birth to live young and (2) feed their young milk are mammals. Discuss whether Fluffy is a mammal.

Answer

“Is Fluffy A Mammal?
All animals that give birth to live young and feed their young milk are mammals. Here, Fluffy gives birth to live young and feeds them milk. Therefore, Fluffy is a mammal.”

Conclusion
Dependent Variables and Nested Issues

All dogs are blue.
Fido is a dog.
Fido is blue.
All blue things are friendly.
Fido is friendly.
QUESTION: Is Fido friendly?

All dogs are blue.
Fido is a dog.
Fido is blue.
All blue things are friendly.
Fido is friendly.

The Issues are:
1) Is Fido friendly?
2) Is Fido blue?

Which Issue is Dependent on Which?
Dependent Variables and Nested Issues

Which Issues is Dependent on Which?

- Because all blue things are friendly, if we can determine that Fido is blue, we will know he is friendly—which is what we are trying to prove.

- Thus we must first answer whether Fido is blue, then answer whether he is friendly.

Friendliness is dependent on blueness.

However, since the ultimate issue is whether Fido is friendly, you might address that issue first (even though you answer it second):
Dependent Variables and Nested Issues

“Is Fido Friendly?
We know that all blue things are friendly. Therefore, in order to determine whether Fido is friendly, we must first determine whether he is blue.

Is Fido Blue?
All dogs are blue. Fido is a dog. Therefore, like all other dogs, Fido is blue.

Conclusion
Since Fido is blue, he is necessarily friendly.”
In Closing

• Sound legal reasoning is sound reasoning
• Get comfortable identifying syllogisms
• Get comfortable articulating syllogisms
• Look not only for logic but *structure* in arguments
• Syllogisms are just one form of reasoning
• For next logic sessions: Read *Smith* and *Jones* handout