

# ESSAY GRADING STANDARDS

## STUDENTS MUST WRITE IN IRAC

File: GRADING STANDARDS

### I ISSUE OR CLAIM

1. Students must identify the issue or say what a plaintiff or defendant will claim.
2. For the major issues, this means giving some facts showing how the issue arose. For the smaller issues, less explanation of how the issue arose is acceptable.

### II RULE

1. On the major issues, students will **receive more points** if they do something more than just state the rule; for example, explain the rule, explain the policy, say something about the history, explain that there is a split of authority. Do something beyond the mere rule.
2. On the smaller issues, students may just state the rule.
3. There are about 12 rules in each essay.
4. Students must COUNT the number of RULES they have stated separately, and give a RULE COUNT at the end of the essay. Incorporating a rule in the analysis does not count. Students must separately state the rule.

### III ANALYSIS

1. Many points are allocated to the THOROUGHNESS of the analysis. This is a big deal.
2. The analysis must follow the rule. All analysis must be based on a stated rule. NO RULE, NO POINTS. (A discussion without a rule is worth zero points.) If the rule has three elements, the analysis must have the same three parts. A heading for each element is desirable, but not always required. Each part of the rule must be analyzed.
3. The analysis must prove the same words as the words given in the rule.
4. Students must include at least THREE POINTS OF CONTENTION in each essay answer. There must be a two-sided argument at each POINT OF CONTENTION.
5. At the POINTS OF CONTENTION, students should state who has the burden of proof, and give the standard (*beyond a reasonable doubt, preponderance of the evidence, credible evidence*), and say whether or not the burden of proof has been satisfied.
6. Mark each POINT OF CONTENTION with an "\*"

### IV CONCLUSION

1. Give a conclusion, especially at the POINTS OF CONTENTION.

### V EACH ESSAY ANSWER MUST CONTAIN

1. A word count at the end of the essay.
2. A RULE count at the end of the essay.
3. At least three \*'s identifying three POINTS OF CONTENTION.

### VI ESSAY WILL BE RETURNED UNGRADED IF ONE OR MORE OF THE ABOVE THREE REQUIREMENTS IS MISSING- NO EXCEPTIONS