

LEGAL ANALYZING METHODOLOGY FOR WELL-GROUNDED DOCUMENT

There are different techniques, methods, ways to do legal analyze. It depends on the author which one to choose. It is important to have a well-grounded, accurate, not voluminous document.

One of the methods is called **I-F-R-A-C (IFRAC)** where:

I-ISSUE (the problem, issue raised in the analyze),

F-FACT (facts, events, circumstances based on which we build our analyze),

R-RULE (legal norms, principles, legal grounds),

A-ANALYZE (analyze of legal and factual grounds), which is consisted of 2 sublevels:

A1-unveil the genuine content, the notion of the applicable, relevant norms by your words (without changing the essence), interpretation of the law,

A2-link A1 with the facts, that is to say, insert each fact in its place,

C-CONCLUSION (the answer of our Issue, final opinion).

Let's see the example in the scenario in aviation law.

ISSUE:

Whether the unlawful behaviour of servant (employee) of airline company (employer, air carrier) could be seen as an unlawful behaviour of airline company?

FACTs:

1) DURING THE SERVICE flight ATTENDANT spills hot coffee on the hands of passenger, and

2) the passenger receives 3-rd degree SCALDING.

RULE:

According to paragraph 1 of article 43 of the Montreal Convention of 1999: The acts and omissions of (...) SERVANTS and agents acting within the scope of their employment shall, (...), BE DEEMED TO BE ALSO THOSE OF THE CONTRACTING CARRIER.

ANALYSE:

A1:

The study of the above-mentioned norm shows the unlawful behaviour (act or omission) of a servant (employee) is deemed to be unlawful behaviour of airline company. If the behaviour is shown during working hours, in performing duties derived from the position.

A2:

In our situation the employer of an airline company (air carrier) has performed unlawful behaviour while exercising his duties, causing bodily injury.

CONCLUSION:

As the situation satisfies all the mandatory and necessary prerequisites, therefore UNLAWFUL BEHAVIOR OF SERVANT OF AIRLINE COMPANY IS DEEMED AS an unlawful behaviour OF AIRLINE COMPANY.