

Briefing Cases

Why?

1. Improve comprehension and analysis of the case.
2. Helpful for later looking at lines of cases for synthesis or analogy.
3. Prepare for questions in class.
4. Helps study for exams in common law class.

Process of Writing a Case Brief

1. Read case once for “big picture.”
2. Make margin notes (e.g., “F” for facts). Remember that facts (or other parts) may be scattered in various places throughout opinion.
3. Reread case & write brief. Be concise. Paraphrase.
4. Revise your brief based on class discussion.

Parts of a case brief:

1. Caption
2. Parties
3. Procedural History
4. Facts
5. Issue
6. Holding
7. Reasoning
8. Judgment
9. Separate Opinion
- 10. *Analysis***

Writing the Case Brief

Caption

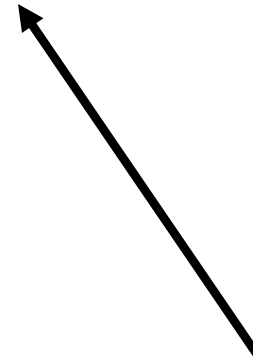
Smith v. Jones (Cal. App. 1999)



Parties



Court



Date

Decided

Writing the Case Brief

Parties

P--Marbury--Appointed judge by former president

Def—Madison—New sec'y of state who refused to deliver commission

Writing the Case Brief

Procedural History

Try to combine 4 items into a sentence: (a) cause of action, (b) remedy sought, (c) procedural act claimed erroneous on appeal, (d) judgment below.

Writing the Case Brief

Facts

- Be brief—focus on determinative facts.

Writing the Case Brief

Issue

Goal: Put in the issue all info expert in area needs to answer the question:

1. Choice of law.
2. Specific enactment or common law provision involved.
3. Specific legal issue.
4. Determinative facts (no specific names, dates, or amounts b/c not determinative)

E.g.: Under NY common law on trespassing, does a person have a “necessity” defense where he entered the other’s land to escape a violent mob?

Writing the Brief

Holding

Format:

- Simple “yes” or “no” answer to issue; or
- Statement made from the issue.
E.g., “Under NY common law on trespassing, a person does have a ‘necessity’ defense where he entered the other’s land to avoid a violent mob.”

Writing the Brief

Reasoning

Cover 3 things:

- Rule
- Rule Proof
- Rule Application to Facts

Writing the Brief

Judgment

One or two words. E.g., “reverse & remand.”

Writing the Brief

Separate Opinion

Writing the Brief

Analysis

Your questions and comments.

Your critical analysis of the decision.

For example, your *own* reasons for agreeing or disagreeing with the decision.