

## **CASE BRIEF**

Case briefing is a long used method of studying law. Its purpose is to have students identify the rules of law found in court cases and analyze how courts apply these rules of law to the facts of a case in an objective and rational manner. Case briefing hones analytic skills and heightens understanding of the role of courts in defining, interpreting and applying law. This appendix explains one way to brief cases. There is no single standard for case briefing, but the structure below is common and will serve you well, both in studying the law now and in using the law in the future. It is worthwhile mastering. After explaining a how a brief is constructed, a sample brief of the case, ERIC v. BETTY M., appearing at the end of Chapter one, is provided.

### PURPOSES OF A BRIEF

1. Establishes a useful means of bringing the facts of a case back to memory in a short time, for whatever purpose, including classroom discussion.
2. Allows you to extract from a judicial decision its future value as precedent. In other words, it helps you find the principles of law that the case sets forth.
3. Allows for easier and smoother review of an area of law. Each brief takes a complex and long document (the case) and reduces it to its key facts, holding and rationale (the brief). A collection of briefs can provide a comprehensive summary of an area of law

### ELEMENTS OF A BRIEF

A brief is primarily a self-teaching tool; as such, each student should structure them to meet their own needs. Many writers propose many formats. The method to use is the one that makes the most sense to you. For an introductory law class, the purpose of a brief is more limited than for either a law student or a lawyer. Also, a brief should be brief! A long brief eliminates the most important role of a brief: the boiling down of a complex case to its essence.

Several basic components of a brief are present in almost all brief styles. If your brief

style includes the following elements, you should do well:

- Facts
- Issue or Issues
- Holding--Including the Rule of Law
- Rationale

### Facts

You should state the facts of the case in your own words. Indicate which facts are operative, and which bear on the issues to be decided. Do not just repeat the judge's opinion. Be brief. Often a sign of how well you understand the case is your ability to identify the relative importance of facts. Some cases may have many extraneous facts that do not need to be in your brief. Most certainly, some facts will be more important than others. Your task is to frame the problem by describing the facts that count, that matter.

### Issue

Issue spotting is the skill of recognizing a pattern in the facts that implies a certain type of issue. For instance, facts that describe two people both claiming ownership rights over chair should spotlight an issue of ownership of personal property. In reading cases, often the parties and the court do this work for you. Ask yourself what legal questions are posed by the appealing party. The appealing party is alleging that an error of law was made. What is that error? What question is the court answering? Sometimes a court will see the issue differently than the parties and present a different twist on the issue. State the issue cleanly and crisply. Avoid stating it in technical or procedural terms. Some believe beginning your issue state with "Whether" will allow you to focus your statement.

Example: Whether Mr. Smith established legal ownership of the chair by physically possessing it for seven years?

### Holding

What is the ruling by the court? Who won? Answering these questions forces you to

identify the outcome of the case. You must understand the procedural setting enough to know what happens as result of the decision. For instance, if the court rules “in favor of the appellants,” what does this mean? More importantly, you need to find the holding on the issue itself. How did the court decide the issue? What rule of law is provided by the case? Using the chair ownership example from above a holding that resolves the issue might be:

Example: The court found Mr. Smith had not established ownership of the chair by virtue of possessing the chair for seven years.

Notice how the above statement ignores who owns the chair. A newspaper headline would be more focused on the personal story: “Mr. Smith loses chair to Ms. Green.” In briefing a case, however, you are not a reporter, you are a student of the law. For that reason you must stick to the issue and its resolution as the primary focus.

### Rationale

The length of each part of the case brief need not be evenly distributed. In fact, the rationale section is usually the longest section. In the rationale section you explain why the court ruled the way that it did. This means that you need to describe the courts reasoning, sometimes even citing the courts choice of words. You also must explain which facts the court depended upon and which ones it discounted or ignored. You should also note what prior decisions it looked at and whether it chose to follow them, overrule them or differentiate them. The court might also interpret or cite particular statutes or other laws in reaching its decision. Finally, notice whether the court relies upon public policy to reach its decision. Thus the potential components to a courts rationale include:

- Facts, which ones were dispositive and which ones not
- Prior cases that were followed, differentiated or overruled
- Statutory law and how it was interpreted
- Public policy principles

Your task is to organize these components and explain how the court used them to

reach its decision. You are trying to find the rule of law that may flow from this case. The rule of law is the “why” of the decision not the “what.” This is very important, as unless you can determine the why of a case; it is very difficult to use the case to predict the outcome of similar disputes when they arise.

Returning to the chair ownership issue above, the holding does not tell us the “why” and, as such, it is not really that useful. The rationale of the court, however, might describe how the court relied upon a long history that ownership is not automatically determined by mere possession, but instead depends on how possession and control was lost by a previous owner.

### REMEMBER

Note that almost all cases are appellate cases. Think about which appellate court they are from: State or federal? Is it a final court of appeal or an intermediate court? Consider when the case was decided--recently or many years ago? Has the passage of time eroded the soundness of the decision? Finally, but importantly, what do you think of the decision? Is it logical, just, fair, or otherwise? How does it fit with chapter or topic? Briefing cases can teach you about courts, moral viewpoints, and the seam between ethical values and the law.