

HOW TO READ AND BRIEF A CASE EFFICIENTLY

1. Understand how casebooks are generally structured. Chapters in casebooks are generally arranged according to broad topic areas and subtopics. Within the chapters are cases relevant to the topic or subtopic. Your job is to read the cases and extract the relevant principles of law and the court's reasoning in adopting or applying that principle. Case briefing helps to do this.

Often there are one or two principal cases that state a particular rule of law, followed by other cases that track the evolution of the law. Be on the lookout for the other cases to do one or more of the following: broaden or narrow the rule, state exceptions to the rule, provide new or different rules, address policy considerations, set up new factors or tests for proving the rule, or show a different rule or a different interpretation.

2. Read footnotes, commentary, other notes, and questions. Footnotes often contain key information, and commentary can help you understand why a case was used and how subsequent cases refine the law. The questions will likely be used as a springboard for class discussion. If you haven't read them, you may not have thought of the various permutations of a case holding.
3. What is a case brief? In the context of briefing cases for class, a case brief is an annotated outline of a case that helps you to know the issues, facts, procedure, holdings, and reasoning of cases. There is no one right way to brief a case. Remember that it is a tool for you.
4. Why brief cases? Briefing builds comprehension not just of the case, but of the subject matter, it provides you a backup in class for answering questions, and it provides a starting point for exam outlining.
5. Before you start to brief a case, first read it quickly all the way through. You need an overview of the case and at least a shallow understanding of what happened before you start to brief the case.
6. Elements to include in a case brief (in any order that works for you).
 - a. Heading:
Case name, court name, and date of decision.

You might also want to note the page number where the case appears in the book. Usually, the case name identifies the parties, but be aware that further reading may reveal other or actual parties. As you learn about hierarchy of authority, the court name becomes more important. The date is necessary so that you can trace changes and refinements in the law.

b. Statement of facts:

If possible, identify the relationship/status of the parties - use a descriptive generic term such as buyer/seller, landlord/tenant - that means much more than just plaintiff/defendant. If the relationship is fuzzy, describe the parties in way that you will remember who is who.

Identify the facts that occurred before the law suit was filed and that are **important** to the decision. It is the story of what happened between the parties that caused the law suit to be filed. These are often called the legally relevant substantive facts. **You do not need to detail every fact – only the ones that are important to the decision.**

c. Procedural History (PH):

This is what happened after the law suit was filed.

What happened in the lower court? You will learn how to identify what procedural matters are of importance. Why is the plaintiff suing, what does he or she want? Does the defendant have any defenses? These are often called the procedurally significant facts.

What did the lower court do? Who is appealing and why?

If the case was decided by a trial court and reviewed by an intermediate appellate court before reaching the court whose decision you are now reading, be sure to note what each court decided.

d. Issues:

The issues of a case are the questions that the parties ask the court to resolve. Look for the word “whether” to help identify the issue. The court may write something to the effect of, “We must decide whether”

Often a court will not state directly the issue to be decided. To help identify this issue ask yourself: What is the point of law in dispute, and what are the key facts of the case relating to that point? Putting key facts

in the issue provides necessary context. What did the lower court do wrong? Note that appellate courts seldom disturb findings of fact.

- e. Holding:
This is court's answer to the question posed under Issue(s)
- f. Rule of Law or Principle:
Legal principle the court applies and that controls the outcome of the case. It could be a statute, a case rule, a regulation, a restatement, or a synthesis of prior holding in similar cases. Sometimes it is expressly stated, sometimes implied.
- g. Reasoning:
This is the why of the case – why the court did what it did. Always be aware of the policy implications of a decision. Often the reasoning is based in policy.
- h. Arguments:
Make a note of the parties' different arguments – they provide the essence of the conflicting legal rules and considerations. Also, professors often ask what the arguments were.
- i. Judgment:
The court's response to what the party asked for (request for relief). Generally, the appellate court will affirm, reverse, or reverse with instructions. Appears at the end of the opinion.
- j. Other:
Concurring and dissenting opinions. Always read these "additional" opinions. Often they provide further insight into the issues and rules.

Dicta. This term refers to parts of a case that are not relevant to its holding. (That in itself is often arguable.) Nevertheless, you can identify dicta when the opinion discusses theories not applied to or relevant to the case you are reading. Often a court will state how it would have ruled given a different set of circumstances. That is dicta. Although it doesn't carry the weight of precedent, dicta gives the court a chance to give direction to litigants or the lower court by putting a theory into writing.

Additional comments/personal impressions/questions. What questions does this decision raise? Does the case fall in line with other similar cases

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you have read? Is the reasoning sound? Does the court make sound analogies? What are the political, economic, or social impacts of the decision.