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# How to Brief a Case

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*Introduction:* A case brief is a concise summary of the significance of a case. It is a bit like a “book report,” but with very special rules! It is a time-honored practice used throughout the legal profession and law schools. As a teaching tool, the case brief forces the student to identify and provide a written description of the most important aspects of a case. Legal precedent, also known as *Stare Decisis*, is a doctrine which governs much of our legal process. Under the doctrine, a prior court’s decision serves as “authority” for a subsequent court which will address the same or similar issue. Therefore, understanding a court’s decision and the rationale underlying it ---- that is, how the judges arrived at their decision ---- is essential to the study of law. The case brief serves as a very useful vehicle by means of which to analyze and understand judicial decisions.

A case brief is a tool by means of which to “capture” or outline the most important aspects of a case. A case brief is *not* an invitation to re-write the opinion or to paste together quotes from the court’s opinion. The brief should be written in your own words, based on your understanding of the case. Of course, select quotes of the court’s words can be useful, if used sparingly. A case brief should be concise; it should be no more than 1-2 pages. There are at least several different methods or models for writing the case brief; these are based on personal preferences. In the Legal Studies Program, however, the format described here will be used for all of the case briefs which you are required to write in your courses. By using this uniform format, you will gain familiarity with the case analysis and brief writing process.

Often, your textbooks will contain synopses of or abbreviated versions of courts’ opinions. When you want to understand a court’s decision, it is essential that you read the entire opinion, rather than a mere summary. Therefore, the first step in the brief writing process is *always* to thoroughly read the entire case. This includes reading any concurring and dissenting opinions of members of the court. In this regard, be very sure that you are reading the entire opinion! In some internet based sources, the Syllabus (headnotes/summary) of the opinion is presented at one link, the majority opinion is presented at another link, etc. You need to read all portions of the opinion as all of them are relevant to your analysis of the case. For example, if there are strong dissenting opinions based on key legal points, this could predict what the court might decide in the future on similar issues.

1. Case Name and Citation: As a header on the first page of your brief, you should state the name of the case, identify each party’s role in the case, and give the full Bluebook style citation to the case. (See Bluebook resources in the APUS library for more information about Bluebook format.) It is essential that the reader of your case brief know who initiated the litigation and who appealed. For example, in the sample case brief of the *Delahanty* case (see accompanying materials), Thomas and Jean Delahanty are clearly identified as the plaintiffs (parties who initiated the litigation) and as appellants (parties who sought appellate review of the

lower court's decision). The full Bluebook style citation enables your reader to find the correct legal reporter in which the opinion is found, the volume and page on which the case appears, and the year in which the case was decided.

2. **Facts:** The Facts section is a short synopsis of the most important facts of the case. "Important" means "relevant" to the issue before the court and to the decision of the court. Your reader needs to know "what happened" to give rise to the litigation and needs to understand the facts which were analyzed by the court. Although other factual details might be interesting, only include them if they give the reader the "big picture" of what the case is about. Be sure to include the nature of the lawsuit and the parties in the lawsuit. The goal in the Facts section is to summarize the facts in such a manner that if someone did not read the court's opinion, they would understand the facts of the case.

3. **Procedural History:** The Procedural History section is a summary of previous proceedings between the parties from the time the case was initially filed to the present. This is important because most reported cases are appellate cases in which a previous decision was rendered in a trial court. It is essential that you understand how the case arrived in the court, the opinion of which you are briefing. Indeed, in many case brief assignments, you will brief an Opinion of the United States Supreme Court; in those instances, the case will likely have been in several different courts previously. It is important that you "track" who "won" at each level, and that you understand that the losing party appeals to the next level of court.

The *Delahanty* case is an example of a somewhat unusual case, but the unusual nature of the case is a good illustration of why the Procedural History of the case is so important. The civil lawsuit was filed by the Delahantys in federal court (United States District Court in the District of Columbia). Their case was dismissed and they appealed to the next level of federal court (the United States Court of Appeals for the District of Columbia Circuit). That federal appellate court needed to obtain the view of the court in the applicable local jurisdiction (the District of Columbia) on a specific legal question. In order to obtain that view, the federal appellate court "certified" the legal question to the local court. The sample case brief is written about the opinion which was rendered by the local court, the District of Columbia Court of Appeals.

4. **Issue(s):** The issue should be a yes/no question which identifies the specific question the court must decide in order to rule in the case. For example, "Are manufacturers and distributors of Saturday Night Specials strictly liable for injuries arising from their criminal use in the District of Columbia?" There may be more than one main issue that the court must decide. If there are multiple issues, the issues should be set forth in a number format, such as "Issue 1", etc.

5. **Holding(s):** The Holding section succinctly states how the court answered the issues presented. Typically it includes a yes/no answer followed by the issue presented written in an answer format. It includes the legal principle relied on by the court. If there are multiple issues, there must be a corresponding number of holdings.

6. Reasoning: This is a very important part of the brief. The Reasoning section describes why and how the court reached its holding in the case. This may include an application or revision of pre-existing legal principles, policy reasons and/or negative effects resulting from a different court ruling. If there are both a majority and dissenting opinion issued by the court, then this section should be broken down into subsections to reflect those opinions' analyses. Likewise, if there is a concurring opinion, a brief description should be included in an additional subsection. If there are multiple issues, there must be a corresponding number of subsections within the Reasoning section.

7. Decision: This section gives the Judgment rendered by the court. Describe the final disposition of the case. Did the court affirm the lower court's decision, reverse it, and/or remand it for additional proceedings?

8. Comments: Is there anything else that should be mentioned about this case? Is it a "landmark" case in the sense that the court significantly changed the law concerned a particular issue? Was the court "divided"? Were there vigorous dissenting opinions? Do you see any weaknesses/discrepancies in the court's opinions?

For example, in the *Delahanty* sample brief, a useful comment would be that the case is a good example of how appellate courts certify issues to other courts in order to obtain the legal opinion of the other court on a particular issue.



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