



A Student's Guide to Case Briefing¹

Case briefs are a tool that law students may use to prepare for classes employing the “Case Method.” Case briefs are also useful in preparing course outlines and for exams. Some professors will have particular preferences or advice for briefing cases in their courses; others will not. You should follow your professors’ instructions if they vary from this guide, which contains general information that you can adapt to your own preferences.

The Case Method: Most law professors use the case method of teaching, especially for first-year courses. This means that professors do not typically explain the law in a particular subject area by lecturing. Instead, they engage students in discussion by asking detailed questions about the assigned reading, typically published reports of court opinions. The professor’s questions are designed to guide you towards increasingly critical reading and analytical skills, as well as greater understanding of the substantive law.

Although it can be stressful to have a professor call on you to “recite” information about a case, the case method of teaching encourages more thorough class preparation and develops oral presentation skills as well. Lawyers have to be able to teach themselves about new areas of law, as well as to respond to tough questions from judges and supervising attorneys. You will learn those skills by practicing them first in your classes and then in other law school contexts.

Case Briefing and Preparing for Class: Briefing a case essentially means isolating the significant elements of a judicial opinion and preparing a short written summary of that information. Case briefs serve several purposes.

First, briefing requires you to read cases actively and critically. To prepare a case brief, you have to examine the information in a judicial opinion carefully and decide which information is most important. To be useful, case briefs should focus on the opinion’s essential information. Deciding which information to include—and in how much detail—can be difficult at first, but this process begins to develop your legal analysis skills and judgment.

Second, briefing will help you to prepare for class. After briefing a case, you will understand and remember the material better, and you will have your own written summary of the case handy for class. Although you shouldn’t read from your case briefs to answer a professor’s question, having the brief available

¹ Many legal research and writing texts contain further information on case briefing. See, e.g., John C. Dernbach et al., *A Practical Guide to Legal Writing & Legal Method* (5th ed. 2013). You may review additional texts in the law school’s Legal Research & Writing program office, suite 4373 in the law library.

can provide a quick reference for you if necessary. Ordinarily, your professors will not expect you to turn in case briefs, which are primarily for your own use.

Your professors' questions will focus not only on the case itself, but will also explore the potential significance of the case for future courts. An important part of a lawyer's job is to predict how a court will use previous cases to decide new disputes. Under the doctrine of *stare decisis*, courts rely on previous decisions for guidance. An important aspect of case analysis and briefing is to assess when a case will supply the rule for future decisions.

Third, case briefs serve as the raw material for compiling a course outline, which, in turn, is an important step in preparing for law school exams. An outline essentially organizes the key principles in an area of law (based on the cases you have read and briefed) and helps you to remember the type of facts triggering a particular rule. If an exam question then asks you to analyze new hypothetical facts, you will be able to recognize any "triggering" facts and the rules they invoke, in order to predict the outcome of the case.

The Sections of a Case Brief: A case brief may consist of various sections, and lawyers or professors may have different preferences. The following sections are typical.

Caption/Citation of the Case: The case "caption" gives some useful information about the case context. At a minimum, it will show how old the case is and which court decided it. The court name will indicate whether it is a federal or state court and at what level of the particular system the court sits.

You should include information for the case "citation" in your brief. The citation should include: (1) the name of the case (usually the last names of the opposing parties), (2) the publication information, including the case reporter volume, the case reporter abbreviation, and the page number on which the opinion begins, (3) the court that decided the case, and (4) the year of the decision. You will learn proper legal citation form in your Legal Research & Writing class. Professors don't typically expect students to memorize the citation of a case, but students should get into the habit of writing down citations for easy reference.

Holding: The holding is what the court actually decided in the particular case. Courts are supposed to publish only those decisions that add something new to the existing body of law or that apply existing rules to new or noteworthy facts. The holding expresses what contribution the case makes to existing law, in the context of the particular case facts. It is the new rule that the case established.

In framing the holding, perhaps the most difficult task is to decide how broadly or how narrowly to phrase it. You must find a balance. Framing the holding too broadly may overstate the case's significance because the new rule will seem to apply to many situations. Framing the holding too narrowly may understate its significance because it will seem to apply only to cases with identical facts.

For example, assume that you summarized the holding of a case to say that landowners are liable for injuries caused by dangerous animals they keep on their

property. This broad language implies that your holding (or the rule of your case) will apply to *all* kinds of landowners who keep *all* kinds of dangerous animals *anywhere* on their property. Assume, however, that your case involved an urban landowner who knowingly kept a rare, wild, and vicious animal in the public area of a city apartment building. The decision of the court in a case involving those facts might not extend broadly to all situations involving landowners keeping dangerous animals.

Issue: The issue is the specific legal question that the court decided. Often, the court will announce in its opinion what the issue is. However, you should test the court's version of the issue against other information in the case. In light of the purposes of case briefing, it may be more helpful for you to frame the issue more narrowly, broadly, or specifically than the court stated it. As with the holding, the issue should strike a balance between being too general and too specific. One approach is to identify the issue by putting the holding in question form.

Facts: This section of the brief should focus on those facts that affected the outcome of the case. Courts often include many details that help put the dispute in context or are otherwise interesting and informative, but not all facts will be "outcome-determinative." One of the challenges of case briefing is to decide which facts the court considered to be influential or controlling in its decision.

If a fact is outcome-determinative, it will be important in future cases as well. Thus, isolating the outcome-determinative facts will help you judge the reach of the decision for future cases. If certain facts, or types of facts, trigger certain legal rules or consequences, then the presence of those facts in future cases will help you predict how a court will decide the new case.

Reasoning: Summarize how and why the court reached its decision. Explain how the court interpreted any pre-existing rules and how the court applied those rules to key facts of the case. Additionally, if the court relied explicitly or implicitly on policy considerations (e.g., policies underlying the existing rules, the general area of law, or even larger social values), summarize that information as well.

Keep the purposes of case briefing clearly in mind as you write this section. Be deliberate in describing those aspects of the court's reasoning that will help you to know, even three months after you first read the case, whether the same reasoning and underlying policy considerations would apply to a new set of facts. Ask yourself how different the new facts could be for the same reasoning still to be valid and controlling.

Any discussion of law that is not necessary to the outcome of the dispute between the parties is "dicta" and is not part of the rule of a case. Additionally, if the case includes any concurring or dissenting opinions, make a note of those, but be sure to separate them from the majority opinion in summarizing the case.