

## A: Sample Case Brief Assignment

Each student will be assigned a case from the text to brief both in class and in written format. The case brief should be written according to the following guidelines, using the bolded topics as section headings in the order specified. It should be no longer than one page in length, but may “spill over” for lengthy cases with a number of issues and opinions. You are required to present the case in class for full credit and you should also read and be prepared to discuss the note cases that follow your assigned case as they may aid in your reasoning and be helpful to class discussion. (Note that you should brief the other cases in the text, in summary form as discussed in class, for your notes and preparation for the exams and discussion in class.)

**Title and Citation:** List the name of the case, the citation listed in text, and the year.

**Procedural History:** Briefly describe the history of the case by stating the state in which the case originated, the appellate court to which the appeal was sent, any subsequent appellate courts, and end with the court from which the opinion in the text is taken.

**Summary of Facts:** The facts are usually distilled by the appellate court and then shortened by the text author. In this section, you need to present the relevant facts necessary to understand the “story line” and pertinent to the issue(s) raised. Make sure that you write it in such a way that not only you understand it, but that someone reading it without knowledge of the case can understand the case enough to discuss the issues. This can be difficult as everything seems important, although it is not all relevant. You should strive to put it in your own words.

**Issues:** The case will usually explicitly state the issues before the court. However, not all issues are relevant to the topic the text is attempting to explicate. Select the relevant issues and list them separately in one sentence/question each.

**Holding:** While the holding may be distilled down to as little as one word – affirmed, reversed, affirmed in part and reversed in part, and or remanded - you should state what the holding means in one sentence. For example, do not simply write “affirmed,” but rather “Affirmed. The statute is void for vagueness.” Recall that this part can be a bit tricky as the holdings = may change as the case travels from the decision of the trial court through the appellate courts and the final court holding applies to the court’s holding that immediately precedes the final court in the text. (See procedural history.)

**Opinion/Reasoning:** This may be the most difficult part of writing a case brief as the reasoning in the court’s opinion will often go “back and forth” and refer to other cases throughout making it a bit laborious to cut through all of the dicta. It is your job to distill the reasoning down to a summary that fully explains the court’s decision, but in short form. This section should be about a paragraph long and in your own words. However, you may very well find it necessary to quote the court which is perfectly appropriate as long as it is placed in quotes and you express an understanding of the reasoning in your own words.

**Concurring Opinion:** Some times, a judges or judges will agree with the majority's holding, but will express different reasoning for his/her/their decision. This section is usually much shorter and should be about two sentences long stated along the same guidelines listed in the section above.

**Dissenting Opinion:** Often, a judge or judges will disagree with the majority's opinion. As a result they express a different line of reasoning. Follow the same guidelines as those listed in the two sections above; your paragraph will most likely be shorter than the court's reasoning and longer than the concurring opinion.

**Your Opinion:** In this section, you are to critically analyze the opinion(s) of the court and state your own conclusion as to how you would rule on the issue(s) raised in the case. Naturally, this requires that you state your own line of reasoning to support your conclusion. You are free to agree or disagree with the court's opinion and/or dissent, and you should cite points that you found persuasive or non-persuasive/errant in those opinions. This section should be about a paragraph long and chiefly in your own words.

**Questions:** List any questions you may still have about the case. For instance, perhaps you feel that the case did not provide enough facts or you wonder if there was a change/addition/omission to the facts, whether it would change the court's or your holding. Or, you may think of other issues that you think should be raised but are not in the case. This is to stimulate class discussion and get you to think beyond the case, realizing that slight derivations in a case often have an effect on a court's holding on a particular issue. In fact, lawyers address issues that have been previously raised by differentiating a case from the ones that are apparently the "rule of law" at the time.