

PART I—CASENOTE INSTRUCTIONS

WRITING YOUR CASENOTE:

The subject of your casenote is [to be updated May 14, 12pm]. As you read the opinion and formulate thoughts for your case note, pay attention to how the majority and dissent reach their respective conclusions. Remember to use the materials effectively. You are not required to read the entire packet, and, strategically, it does not make sense to do so. **Do not feel compelled to read all of the sources in the packet.** As a suggestion, you may want to begin with the shorter articles (just after the cases) about the lead case as a way of orienting yourself to the issues. **Also: you do not even have to read all of the cases—some of them might not be relevant to your casenote or even the general legal landscape.**

A successful case note will argue a clear thesis about a **single**, discrete issue in the case. While the decision discusses many different issues, you are not expected nor encouraged to address all of them in your case note. **Your page limit is 18 pages.** However, **do not feel obligated to fill 18 pages!** We are looking for a clear, original thesis—not length.

The casenote component of your packet contains a variety of sources. Every item in the packet is relevant in some way to the lead case. However, **you are not expected to use all (or even most) of the authorities included, as some will obviously be more relevant than others to your specific argument.** Our intent in assembling the packet was to gather enough material to support a broad range of arguments and viewpoints, and to get you to think about how legal precedent and various policy concerns apply to this case. Do not spend too much time in your case note summarizing the (relevant) packet cases. Instead, emphasize how the doctrine developed in these cases bear on the lead case. Your score will suffer greatly if your case note is a long summary of precedent with a short analysis tacked on the end.

You may not use any research materials beyond those provided in this packet to write your casenote. If you feel that the materials provided do not fully address a point, include a footnote to that effect. You are permitted to consult and expected to conform your citations to the *CLR* Style Guide and the law review format set forth in the 19th Edition of the Bluebook. You may also consult a dictionary or thesaurus and the Chicago Manual of Style. **Please note that the citation formats in the secondary sources are not necessarily accurate.** You should not rely on them. You are responsible for correct citation format in **all** of your footnotes. **Take note that some of the case pdfs come in one citation format, but lay out how to cite in a different format (you will see little upside-down “T”s). Use the format preferred by the bluebook if possible!** Do not use or cite to outside knowledge or sources.

Each of the sources we have provided should contain enough information for complete and correct citations. However, where the packet gives insufficient information for correct citation form, use the information provided, and leave blanks to indicate the missing information. Give subsequent history only when that information is given in the packet. Do not supplement the packet by resorting to outside research. It may be appropriate to cite cases not included in the packet but referred to in the cases contained in the packet. If you do, please cite directly to the source included in the packet with a parenthetical. For example, suppose that *Shaffer v. Heitner* is included in the source materials but *Pennoyer v. Neff* is not. You would like to cite: “[E]very state possesses exclusive jurisdiction and sovereignty over persons and property within its territory.” The footnote should read: *Shaffer v. Heitner*, 433 U.S. 186, 197 (1977) (quoting *Pennoyer v. Neff*, 95 U.S. 714, 722 (1878)).

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FORMATTING YOUR CASENOTE:

Your case note must be typed. Do not have it typeset. Do not justify the right margin. Follow these space limitations carefully. If in doubt, shorten your paper. Remember that good papers have been rejected in the past because of penalties resulting from violations of these rules. While the rules may seem overly technical and difficult, they help ensure fairness to all participants.

- (1) The text of your case note should be in Courier/Courier New, 12-point font, double-spaced, with one-inch margins. Do not exceed 18 typewritten pages, including footnotes or endnotes.
- (2) Each page is limited to 28 lines of text.
 - (a) To achieve this in MS Word 2003: Format → Paragraph → Line Spacing: Exactly → At: 23 pt.
 - (b) To achieve this in MS Word 2007/2010: Page Layout/Format → Paragraph (dialogue box) → Line Spacing: Exactly → At: 23 pt.
- (3) Footnotes must also be in 12-point Courier/Courier New font, but may be single-spaced; that is, **within** a given footnote, you need not leave a blank line between each line of footnote text. In order to calculate the 28-line rule, we count every other line within a single-spaced footnote. However, **there must be a blank line between each footnote. We discourage long footnotes.** If the material is important, include it in the text of your case note rather than relegating it to a footnote.
- (4) Each line is limited to 67 characters. Spaces count against this limit. The Courier/Courier New font requirements described above should fall within this limit.
- (5) To preserve anonymity, we cannot accept individualized excuses for rule violations. If your word processor automatically makes footnote text smaller than regular text, you must find a way to make your footnote text fit the rules. If absolutely necessary, you can type your notes as endnotes in a separate document. (Remember that endnotes count as part of your 18 pages.)
- (6) Again, do not exceed 18 typewritten pages. If a paper is too long or the formatting incorrect, we will delete text until we feel it is within the set limits.
- (7) You should note that all of these restrictions are functionally equivalent to ordinary double-spacing with 1-inch margins and with the Courier 12 point font. **Although this may be useful as a guide, you should still ensure that your casenote fits within rules (1)–(6).**

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A FEW TIPS:

Getting Started Early: Successful participants generally begin reading fairly soon after receiving the packet (the sooner you start, the sooner you finish!). **A common report from participants not selected is that they started too late and simply ran out of time.**

Keep At It: Many participants become discouraged around halfway through the competition when they begin to grasp the issues and realize the scope of the casenote. Don't let these mid-competition blues get you down. You are not expected to write a "perfect casenote" in the time allotted. *CLR* accepts a range of submissions.

Use the Materials Effectively: The key to a successful casenote is a thoughtful and organized argument. By providing all the necessary research materials, we hope to allow you to concentrate on analyzing the issues presented by the case, rather than simply assembling masses of authority for your arguments. Start your work with multiple readings of the lead case in order to develop a firm grasp of the issues and arguments presented. Then, read the accompanying materials with an eye to applying their law and reasoning to the issues you have identified. **While each item in the packet is arguably related to the case in some way, you should not feel obligated to discuss or use every authority in the packet.** Search for the best resolution of authority and policy and develop a coherent thesis in light of the authorities.

Don't Second-Guess: There are no tricks here. We have not attempted to mislead you about what is or is not important. You may discover issues for which there will be no authority at all in the packet. This is a telltale sign that you should not build your thesis around those issues.

There is No "Right Answer": The subject of this year's case note is a recent court decision. You should not feel hesitant to criticize or reanalyze the opinion. Feel free to get right into the reasoning, analysis, use of authority, and any other strength or weakness that you see in the opinions. You should not feel concerned if your analysis reaches a result similar to the court's, nor should you feel compelled to disagree with the court's treatment. All of the issues can be argued persuasively on either side. The common characteristics of successful casenotes are thoughtful analysis and persuasive writing, not viewpoint. Do not feel reticent about expressing your own views.

Priorities: Analysis is much more important to us than "the case." And the quality of writing is much more important than the length. No need for 18 pages if you've made your point in 16.

Allow Time to Edit: Editing and rewriting are essential to a coherent logical argument. Leave time to reread and rewrite your first draft or to condense your case note to meet the 18-page limit. Even a well-argued case note will be greatly marred by typos and improper formatting.

Allow Time to Finish and Upload: It takes longer than you think to put the finishing touches on a Casenote. Allow plenty of time for the final production of your paper. Leave time for unexpected computer crashes and server breakdowns. If you use a typist, make sure that you can monitor the progress of your paper. Failure to transform the nearly final draft to the final uploaded entry has been a common problem for previous entrants.

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STRUCTURAL AND ORGANIZATIONAL SUGGESTIONS:

Use this suggested casenote form as a guide, but feel free to modify the organization to fit your arguments.

- I. **Introduction:** Briefly explain what the court held and what your paper will argue (your thesis).
- II. **The Case:** State objectively the relevant facts and procedural history of the lead case, and describe the court's holding and reasoning. Remember, **tailor this discussion to fit your thesis. Include concurring and dissenting opinions as they are helpful to your thesis and a complete analysis.**
- III. **Legal Background and Existing Law:** Give the legal background of the case. Inform the reader of the law in this area before this decision. Be concise, but use examples when necessary. Feel free to give more extensive discussion to leading cases, but again, **use only the cases and legal precedent relevant to your thesis!**
- IV. **Case Analysis:**
 - (a) Was the case correctly or incorrectly decided?
 - (b) How does this case fit into existing law? Is this case different from that law? Is the case significant? Does it use the same mode of analysis to reach a different result? How great of an impact will the decision have on future cases?
 - (c) Does the court adequately justify its approach or result? Does the court use precedent accurately to support its argument? Is its logic consistent and persuasive? Are there issues and arguments that the court did not consider?
 - (d) Is the decision sound in light of public policy? Have other courts suggested alternative analyses that accord better with important policy considerations? Does the ruling in the case forward the values that this area of law purports to protect?
- V. **Conclusion:** Summarize and unify your basic arguments.

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EVALUATION OF CASENOTES:

Graders will be most concerned with each writer's ability to analyze the case, to marshal authority to support the analysis, and to present this analysis in a clear, well-organized casenote. Additionally, the polish with which a casenote is written will inevitably influence the paper's score.

We will review each case note using the following weighted factors:

(1) **Analysis** (47.5 percent): We are looking for a persuasive, understandable, and cohesive argument. Below are some specific points you should ensure that your casenote addresses:

- Is there a clearly defined, arguable, and prominent thesis?
- Does the argument persuasively make the necessary claims to support the thesis?
- Did you address weaknesses in your argument or opposing viewpoints?
- Did you support your argument with the source material and cite where appropriate?
- How creative/original is your argument? Try not to "parrot" one judge's opinion or the argument in an article. If you wholeheartedly agree with one opinion, try to think of reasons why the position is correct that is not mentioned in the opinion.
- Did you effectively analyze the case? You should identify the differences between a majority, concurrence, and/or dissenting opinion. You should also make sure that you are correctly stating the legal doctrine and any gaps in the judges' legal reasoning.

(2) **Writing Style** (47.5 percent): This factor considers the overall structure and logic of the casenote, as well as the flow of individual subsections. We will also evaluate the apportionment of the available space and the integration of facts with legal arguments.

- Does the analysis flow from one point to the next in a logical way?
- Is appropriate space apportioned to each section, given its importance?
- Did you use topic sentences and headings that help the reader understand where you are going with your argument?
- How is the quality of the casenote's syntax, sentence structure, spelling, and word choice?
- Did you make appropriate use of active voice and effective use of variable sentence structures?

(3) **Bluebooking and Grammar** (5 percent): We will consider grammar and footnotes. Careful editing is crucial to a good casenote. Your footnotes should conform to the 19th Edition of the Bluebook. (Remember, however, that you need not give subsequent history if it is not provided in the packet).

- Although this section is worth the least amount of points, it could often be the "tie-breaker" between two equally well-written casenotes. Grammatical errors also make it difficult for a reader to understand and appreciate the quality of your analysis and research, so it is very important to have a polished, final draft.