

BRIEFING CASES

As you prepare for the classes in which you will read cases, you should prepare a brief of the cases. A law student's brief is designed to serve as a source for ready reference in class. It may also be used for course review at the end of the semester. Preparation of a brief also serves important pedagogical purposes: it aids students in understanding a particular case, in learning how to read and analyze cases (an integral part of learning to "think like a lawyer") and in organizing the material. Most students find at some point in their studies that they no longer need to brief cases because they mentally organize cases in the way the briefs teach them to. But it will take you some practice to get to that point.

You will probably not know some of the terms and phrases used in the cases. It is important that you look up such terms and phrases, annoying though that may be. You cannot understand a case if you do not understand its terminology.

- Different students (and teachers) organize and draft case briefs in different ways and you may find that the best way to organize your briefs varies from course to course and professor to professor. Case briefs generally contain at least the following:
 1. The name of the case, the court which decided it, the year it was decided, and the page in the casebook on which the case begins.
 2. The significant facts of the case.
 3. The procedural setting in which the case is presented for decision (*e.g.*, plaintiff appeals from a judgment for defendant, granted upon a motion to dismiss).
 4. The action of the court now deciding the case (*e.g.*, reversed and remanded for a new trial). Who won the case? Was the decision below affirmed, reversed, or something else?
 5. The issue or issues of law (in the form of a question). In many cases, the scope of the issue will be ambiguous. Try to identify possible areas of ambiguity.
 6. The court's answer to the question posed in item five.
 7. The court's rationale.
 8. This will usually be the most important thing to think about: why did your professor want you to read this case? What are you to take away from it?