

How To Write a Good Case Brief

The purpose of a case brief:

You must keep in mind what a case brief is and what it does in order to effectively write one. A case brief is a synopsis – a shortened version – of a case that occurred. So, someone sued someone else alleging something and now a court has to decide who prevails (i.e., wins). The purpose of a case brief is to take something that may be as short as 2 pages or as long as a few hundred pages and summarize it down to 1-2 pages. Someone should be able to then take that case brief, read through it, and have a general idea of what happened, who claimed what, who won the case, and most importantly, why they won. Keep this in mind as you write your briefs. Ask yourself, if I gave this to a friend, would they be able to figure out these aforementioned things?

Where to start:

The first thing you should do is **read through the entire case before any writing**. As you go through the case, use a pen or highlighter (whatever works for you) and underline, highlight, or scribble notes, taking note of the important parts of the case as you go through. Some people find that reading through the case one whole time without taking any notes and then going back through reading it and taking notes works best for them. You have to find your own style. Once you have a grasp on the key concepts, then you are ready to write your brief.

Writing the brief:

In this course, I have specified, very explicitly, how I want you to write your briefs. You are to follow strict formatting guidelines for all briefs:

- 12 pt. Times New Roman font
- Double spaced
- 1” margins all around (standard setting)
- MS Word document
- You should shoot for 2 pages; anything shorter is not enough, and anything longer is too much

Parts of the brief:

- Key Facts

This section tells the audience what happened. That’s it! Use past tense. You need to simply summarize the “story” in the case. Tell me who the plaintiff and defendant(s) are and what happened to bring us to a lawsuit. You do not need to include non-essential details in this section. You must use judgment to figure out what is important enough to leave in and what to leave out. Your last sentence should specify who sued whom and what the cause of action was. For example, you have just spent 2 paragraphs telling me

that an a spectator at a football game got hurt by a fly baseball, and now you need to lead me away from what happened and into the legal issue(s) involved. It may be something like: “Smith brought suit against the Cardinals baseball team, the General Manager, Jean Zugaro, and Aramark Corp. as the stadium designer, alleging negligence and seeking compensation for his injuries.”

- Issue

The key here is to tell me the **legal** issue(s) involved in the case. Sometimes this is easy, and the case may state something to the effect of “At issue in this case is whether a coach owes a duty to an injured player...” Other times, you have to figure it out. Sometimes it is tied back to your preceding section and the cause of action (e.g., negligence). So, for the example I used above, the issue may be whether a sport organization owes a duty to protect spectators from fly balls. In a case involving an injured athlete, the issue may be whether a coach owes a duty to protect his/her athletes from foreseeable risks arising from improper field maintenance. These are just a few examples. This section should be short, 1-2 sentences, and may be phrased as a question.

Just a note: “Whether or not” is a commonly used *but improper* phrase. Do not use this phrase; you may use “*Whether* such and such...” but do not include the “*or not*” with it.

- Court Decision

Here, you simply tell me what the court(s) decided. That’s it. DO not tell me why – that goes in the next section. It helps for you to tell me what the first court decided (Trial Court or District Court) and then what the current court (Appellate or Supreme Court) decided. So, you write, for example, that the District Court granted summary judgment for the defendants, and the Appellate Court affirmed the decision. You need to use the terms, *reversed*, *remanded*, and *affirmed*. Sometimes, you will read a case that is being heard for a 3rd or 4th time. You have to be careful and make sure you know what you are talking about. This section should be short.

- Court Reasoning

This is the **most important section in your brief!** This is where you tell me *why* the court ruled the way it did. You have to take the law and apply it to the facts. Once again, only focus on the important stuff; even though it is the most important, it should not always be the longest part. For example, going with the fly ball example given above, you might say something like,

“Florida law stipulates that under premises liability, owners of land (such as a stadium) are not liable for injuries sustained by spectators due to “open and obvious” risks. Florida courts have recognized that fly balls are considered open and obvious risks. Therefore, landowners will only be held liable if there is some sort of distraction that distracts a spectator from what would normally be considered an open and obvious risk. The

evidence does not show any distraction with Smith, therefore, the Appellate Court affirmed the District Court's decision to find summary judgment for the defendants."

Once again, this is the most important part of the brief. Here, you tie the law governing the issue back to the facts of the case. Make sure to spend some time on this section.

- Opinion

This is not technically part of a brief, but I like to give you a chance to respond and reflect on the case you have just read. Too often, students simply blindly agree with a court's decision. I do not want this; I want you to really think about the case. I want to hear whether you feel like the case was decided correctly. There are plenty examples of bad law in the history of the U.S., like the *Dred Scott* decision, which effectively labeled slaves as *property* who could not ever be considered U.S. citizens and who could not be taken from their masters without due process of law (a Constitutional Law concept we will discuss later). I want you to really think about the decisions you read. What do you think? Put yourself in the shoes of the losing party.

Other Concerns

This is academic writing, so treat it like a paper. Use spell-check and proofread to look for mistakes. When I get a brief that has misspellings, grammatical mistakes, and incorrect formatting, it connotes sloppiness and laziness. Spend some time on these, revising them so they are crisp and clean. Do not try doing this an hour before it is due.

The better you get at these briefs, the better you will get at writing in general as well as speaking, but perhaps most importantly, it will help you get to where you can make an argument and back it up with facts. That is what law is all about; it's not someone's opinion in a case that wins, it is their argument backed up by law (legal precedent). Therefore, understanding how the cases work and being able to effectively brief them will teach you skills that will help you in many other areas of academia and in life.