

How to Read and Brief a Case

How to Read a Legal Citation:

- A citation is a reference to legal authorities and precedents such as statutes, legal opinions, regulations, and law review articles. Citations are used in legal memoranda, arguments to courts, legal textbooks, judicial opinions, law review articles and the like to establish or fortify the propositions argued.
- Citations to legal opinions consist of four basic parts:
 - Name of the legal opinion
 - Location of where the opinion can be found (including name of reporter, volume number, and page number)
 - Name of the court that decided the opinion
 - Date
- Examples:
 - *Brown v. Board of Education*, 347 U.S. 483 (1954).
 - *Brown v. Board of Education*, 98 F. Supp. 797 (D. Kan. 1951).

How to Brief a Case:

Facts:

- Who are the parties that are involved in the case? What is the relationship of the parties?
 - A civil lawsuit arises out of a dispute between people, business or other entities (including government entities). The party who brings the case against another party is the **Plaintiff** and the party against which the case is brought is the **Defendant**. The dispute typically arises when one party (the Defendant) has failed to carry out a legal duty owed to the other party (the Plaintiff). The Plaintiff may ask the court to require the Defendant to fulfill the duty, make compensation for the harm done, or both.
 - A criminal case arises when the Government (state or federal) brings a case against – or prosecutes – a person or organization (the Defendant) for a suspected violation of law.
- What are the factual circumstances that gave rise to the civil or criminal case?
- What is the procedural posture of the case (i.e., the case's history with how lower courts have ruled on the matter)?

Issue:

- What are the legal issues / questions of law that are raised by the facts of the case? [It is helpful to phrase the questions so that they can be answered with a "yes" or "no".]
- Issues may be procedural or substantive:
 - Procedural issues: What is the appealing party claiming the lower court did wrong (e.g., ruling on evidence, jury instructions, granting of summary judgment, etc.)? A case's procedural posture will play a key role in understanding procedural issues (these issues will come up often in Civil Procedure).
 - Substantive issues: A substantive issue will typically hinge on how the court applied an element of the relevant rule to the facts of the specific case at hand.

Holding:

- The holding (or the decision) is the court's answer to the legal question(s). There can be narrow procedural holdings (for example, "case reversed and remanded") and broader substantive holdings which deal with the interpretation of the Constitution, statutes or judicial doctrines.

Rule / Reasoning:

- The reasoning is the chain of argument which led the judges to rule as they did. [Note: It may be helpful to list the chain of arguments in numbered sentences or paragraphs to understand the steps the judges took to come to their decision.]
- Ask yourself what is the rule (or legal principle) that the court used in deciding the case, and what steps did the court take to determine how to interpret the rule (or specific elements of the rule)?

Concurring / Dissenting Opinions:

- If a valuable concurring or dissenting opinion exists, you may also want to include notes regarding the key points of those opinions.