

Appendix 1. The Case Method in Casebook Courses

Appendix 1.B. Briefing Cases for Class Preparation in Casebook Courses – Overview

Law school courses will direct your attention primarily to appellate court decisions. In nearly all first-year courses in law school, you will encounter the law in casebooks, each of which presents judicial opinions on various topics that relate to a general field of law such as property, contracts, crimes, procedure, or torts.

The cases in a casebook are the disputes that parties bring to courts for resolution. Most of the judicial opinions that analyze the cases are the opinions of appellate courts. These opinions are edited by casebook authors. The edited appellate opinions published in casebooks typically summarize the facts of the dispute and the proceedings in lower courts as concisely as possible, sometimes providing no more than a bare outline of the human drama that has preceded the appellate litigation. Most appellate opinions focus instead on using the cases before them as vehicles for developing and articulating general legal rules or principles. In addition to resolving the dispute before the court, these rules provide guidance to courts and litigants in future disputes of a similar nature, as well as to persons who desire to conform their actions to the law.

Judicial opinions may mystify you in your first weeks at law school. They are peppered with legal terminology that will become part of your working vocabulary only after weeks and months of study. Even worse, some of the judicial language, especially in the older cases, will be antiquated or overly formal and should not influence your own legal writing style; yet you must immerse yourself in the language to understand the opinions.

Moreover, the opinions assume that the reader is familiar with the legal system and the legal method that courts use when working within that system. For example, you might wonder how an English decision from two or three centuries ago is relevant to your study of law in the United States. Also confusing to some new law students is the relationship between “common law” and “statutory law,” both of which may be addressed in the same judicial opinion. Part I of *LEGAL METHOD AND WRITING* will answer these and many other questions by introducing you to our legal system and to fundamental principles of legal method.

You undoubtedly will be preparing case briefs or undertaking a process for reading and understanding cases in preparation for the first day of class. You will learn that your professors discuss appellate opinions in a manner that suits their individual pedagogic preferences, which can help you select details for highlighting in your preparation for class discussion. Until you learn more about those preferences, or those of your legal writing professor, you may follow these steps when briefing cases.

Before you begin studying and briefing the case, briefly note the context with a few words at the top of your page. To identify context, consult the syllabus or your casebook’s section headings to note the current topic of study, which the assigned case must be illustrating. Then, read the opinion once for a general overview. During your second reading, study the opinion carefully and fill in the elements of your case brief, according to your understanding and interpretation of the opinion:

1. **Identification of the Case** (state the case name, authoring court, and year of decision)
2. **Facts** (summarize the facts that led to the legal dispute)
3. **Procedural History** (summarize the judgments or rulings of the lower courts preceding this court's decision, and state this court's ruling on appeal, such as affirmed, reversed, or remanded for further proceedings)
4. **Issue(s) and Holding(s)** (state the questions the court addresses, followed by the court's conclusion on each question)
5. **Reasoning** (explain the court's reasons for its conclusions by summarizing the legal rule or rules adopted by the court and the court's application of those rules to the facts, including any policy considerations that inform its analysis)
6. **Evaluation** (explain your agreement or disagreement with the court's conclusions and reasoning)
7. **Synthesis** (explain how this opinion's holding and reasoning compare to those of other assigned opinions that address the same issue and that you have previously briefed)

Actively engage with the case as you are reading and briefing it. Ask yourself how the decision is supported by existing legal authority or policy considerations, take a stand on whether you agree with the decision, and compare the decision with others in the casebook that address the same issue. If you desire further instruction in briefing cases for class, Appendix 1.C. provides comprehensive guidance on that topic, as well as three sample cases with which you can practice briefing and synthesizing cases. You will discover that the process for briefing cases is essential to understanding case law and preparing for class discussion, but it does not directly translate to a case summary for a legal document such as an office memorandum or a brief. Later chapters of this book will explore the analysis and presentation of cases in legal documents.