

How to write a Case Brief

1. Select a useful case brief format.

There are many different ways to brief a case. You should use the format that is most useful for your class and exam preparations. Regardless of form, every brief should include the following information in steps 2-9.

2. Use the right caption when naming the brief.

A brief should begin with the case name, the court that decided it, the year it was decided, and the page on which it appears in the casebook.

3. Identify the case facts.

Next, state the facts of the case. This section is necessary because legal principles are defined by the situations in which they arise. Include in your brief only those facts that are legally relevant. A fact is legally relevant if it had an impact on the case's outcome. For example, in a personal injury action arising from a car accident, the color of the parties' cars seldom would be relevant to the case's outcome. Similarly, if the plaintiff and defendant presented different versions of the facts, you should describe those differences only if they are relevant to the court's consideration of the case. Because you will not know which facts are legally relevant until you have read and deciphered the entire case, do not try to brief a case while reading it for the first time.

4. Outline the procedural history.

With the statement of facts, you have taken the case to the point at which the plaintiff filed suit. The next section of the brief, the procedural history, begins at that point and ends with the case's appearance in the court that wrote the opinion you are reading. For a trial court opinion, identify the type of legal action the plaintiff brought. For an appellate court opinion, also describe how the trial court and, if applicable, the lower appellate court decided the case and why.

5. State the issues in question.

You are now ready to describe the opinion you are briefing. In this section of the brief, state the factual and legal questions that the court had to decide. To analyze a case properly, you must break it down to its component parts.

6. State the holding in your words.

In this section, separately answer each question in the issues section. For quick reference, first state the answer in a word or two, such as "yes" or "no." Then in a sentence or two, state the legal principle on which the court relied to reach that answer (the "holding").

17 Case Study Brief Windows

Raffaela Di Napoli



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