

Case Briefing

Case briefing is the best way to prepare for a law school class. For each of your classes, you will be assigned cases from different courts around the country. Learning from cases is the main method of education within law schools in the United States. Professors will ask you questions about the cases that were assigned for that class that day, so case briefing helps you digest the cases and prepare best for class. It is best practice to brief every case assigned to you for the day. Cases are also important for the final exam, so it is critical to prepare case briefs before class. This will help you understand the cases you will apply on the final exam.

Components of a Case Brief

A case brief is made up of 7 main components. The main components include the case name, facts, procedural history, issue, holding, reasoning, and rule. You will pick up on what your professor focuses on in their courses regarding cases as the semester goes on. Some professors care deeply about the procedural history of a case, while others will and have never asked a question about the procedural history. At the start of the semester, you might begin by including all this information in the same detail. However, as the semester continues, you will likely tailor each of your case briefs to each of your classes and professors.

At the beginning of law school, this may take you a long time. That is completely okay and normal! Case briefing will be tedious and can be frustrating at the beginning, but with time you will become faster and more proficient at it.

Below is an explanation of each of the components of a case brief, in the context of *Wagner v. State* (2005).

Case Name and Caption

The first part of the case brief that you should start with is the case name and caption. The caption will be included by the case name in your casebook. This is important information to include because your professor could ask you which jurisdiction this case was heard in, along with what court level. The year is also important when analyzing overruled or outdated laws. This is an example of what a case name and caption should look like:

Wagner v. State, 122 P.3d 599 (Utah 2005)

Procedural History

Next, you want to provide the procedural history. The procedural history is how the case got to the court where it is now; what happened from the date the suit/charge was brought to now (think civil or criminal procedure)? Was there a motion for summary judgment? Did the plaintiff or

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defendant appeal the decision to the appellate court? This is all information that you want to include regarding the procedural history.

Procedural History

- The trial court dismissed the plaintiff's claim
- The higher court affirmed that

Facts

After the procedural history, you can include legally significant facts. These are the facts up until the lawsuit was filed/charges were brought. You do not want to include every single fact, only the legally significant ones. Your casebook will include facts that are not significant to the outcome of the case. When you are reading the case, try and think about what facts change the outcome of this situation, those are the legally significant ones. Facts that have no bearing on the reason the court held the way it did are typically not important for your case brief and, thus, are not *legally significant*. One way to discern between legally significant facts and legally insignificant facts is: if this fact changed, would the outcome be different? If yes, it is legally significant. Below, you can see only the most important facts are included.

Legally Significant Facts

- Wagner (plaintiff)
- State of Utah (defendant)
- Geise (man with mental illness)
- Wagner was standing in line waiting to check out when Geise attacked her
- Geise had a mental illness and was receiving treatment for it from the State of Utah
- Wagner sued the state for failing to supervise Geise

Issue

The next component is the issue, which can also be referred to as the question. This is the legal issue that the court is trying to resolve. This will not be a factual issue, such as did Sally hit Sue, but rather a legal issue, such as was the trial court proper in granting their motion for summary judgment. To figure out the issue, you want to think, "Why is this court hearing this case?" and "Why did my professor assign me this case at this specific time? What do they want me to learn?" Your professor is not assigning you the case, so you can learn that Sally hit Sue; you are being assigned the case to learn something about battery. Some cases will include language such as "the issue is whether;" however, not all cases will do this. In those instances, you will have to

read the case to figure out the legal issue that the court is trying to resolve.

Issue/Question

- Does the intent in a battery have to be harmful or offensive or does the contact need to be harmful or offensive?

Holding

After the issue comes the holding, the holding is the answer to the legal question or issue, “yes,” “no,” “maybe.”

Holding

- No, the intent doesn’t need to be harmful

Rule

Since the question is answered, we can now write the rule. The rule is what your professors want you to take away from the case, it is the whole reason you are reading the case. It teaches you something that you will apply to future cases and on an exam. Since the rule is something you can apply to future cases and on exams, it should be objective and contain no facts from the case. It will take you time and lots of practice to get the rule correct. A hint for the rule is to look at the table of contents and see where this case is placed. For example, if you are in torts and see a case listed under “intent,” you know the case was assigned to teach you about intent, what was it? It is a good idea to ground yourself in the table of contents before starting to read a case to see what purpose this case was assigned for. Another hint is that the rule is typically specific and not general. Your professor likely did not assign you a case to learn the elements of battery, it was to learn something specific about one of the elements of battery.

Rule

- The actor does not need the intent that his contact be harmful or offensive to commit a battery so long as he deliberately made the contact and so long as the contact satisfies our legal test for what is harmful or offensive

Reasoning

The last section is the reasoning. Here, you want to put the plaintiff, the defendant, and the court’s reasoning for how they arrived at the legal conclusion that they did. This includes a

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combination of law and facts. You should include all reasoning that you deem important to the case. This section is one of the most important sections in your case brief because it explains how the court got to the conclusion it did. It is also incredibly important on exams when you are explaining why or why not your court should follow the precedent set forth in a case you read during the semester.

Reasoning

- Plaintiff claimed that Geise could not legally commit a battery because battery requires the actor to intend harm or offense through his deliberate contact, an intent Giese was mentally incompetent to form
- The state argued that the only intent required for battery is simply an intent to make contact
- The Court reasoned that people should be held accountable for their actions, which is how they concluded that Utah is a single intent jurisdiction

Optional

You can also have optional sections of your case briefs. Optional sections would include sections for concurrences and dissenting opinions. These two sections may come in especially handing in Constitutional Law. Another optional section could be for comments and thoughts. This is where you would include any reactions, connections, or thoughts about the case. You can then use this information in class discussions if it is relevant.

Ways to Organize a Case Brief

1. Column Style

The first example of how to structure a case brief is by using two columns. In the left column there is the information that would be pulled from the case before class. In the right column is where you can type notes in class about the case. This will be information that you learn from your professor's lectures or your peers' cold calls. After class, you can compare both sections of the brief and decide what information is relevant to include in your outline. Below is an example of how the column style approach should look.

<u>Procedural History</u>	
<ul style="list-style-type: none">• The trial court dismissed the plaintiff's claim.• The higher court affirmed that	
<u>Legally Significant Facts</u>	
<ul style="list-style-type: none">• Wagner (plaintiff)• State of Utah (defendant)• Geise (man with mental illness)• Wagner was standing in line waiting to check out when Geise attacked her.• Geise had a mental illness and was receiving treatment for it from the State of Utah• Wagner sued the state for failing to supervise Geise	
<u>Issue/Question</u>	
<ul style="list-style-type: none">• Does the intent in a battery have to be harmful or offensive or does the contact need to be harmful or offensive?	
<u>Holding</u>	
<ul style="list-style-type: none">• No, the intent doesn't need to be harmful	
<u>Rule</u>	
<ul style="list-style-type: none">• The actor does not need the intent that his contact be harmful or offensive to commit a battery so long as he deliberately made the contact and so long as the contact satisfies our legal test for what is harmful or offensive	
<u>Reasoning</u>	
<ul style="list-style-type: none">• Plaintiff claimed that Geise could not legally commit a battery because battery requires the actor to intend harm or offense through his deliberate contact, an intent Geise was mentally incompetent to form.• The state argued that the only intent required for battery is simply an intent to make contact.• The Court reasoned that people should be held accountable for their actions, which is how they concluded that Utah is a single intent jurisdiction	

2. Document Style

A second way to organize your case brief is by taking out the second column and just having the brief on its own document. In class, you can take notes on a separate document or in a notebook. Then be sure to correct your case brief after class with any mistakes you might have made. Below is an example of what a case brief in this format looks like.

Wagner v. State 122 P.3d 599 (2005)

PROCEDURAL HISTORY: The trial court dismissed the plaintiff's claim, and the higher court affirmed.

FACTS: The plaintiff, Wagner, was standing in line at a store when a man with a mental illness attacked her. The defendant was the State of Utah, as the man was receiving treatment from the state. Wagner sued the State, alleging that they failed to supervise the man.

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ISSUE: The issue is whether the intent in battery has to be harmful or offensive or does the contract need to be harmful or offensive.

HOLDING: No, the intent does not need to be harmful.

RULE: The actor does not need the intent that his contract be harmful or offensive to commit a battery so long as he deliberately made the contract and so long as the contact satisfies the legal test for what is harmful or offensive.

REASONING: The plaintiff claimed that the man could not legally commit a battery because a battery requires the actor to intend harm or offense through his deliberate contact, an intent that this man was mentally incompetent to form. The State argued that the only intent required for a battery is simply the intent to make contact. The Court reasoned that people should be held accountable for their actions, which is how they concluded that Utah is a single-intent jurisdiction.