



Long Beach City College  
LAC Library  
<http://lib.lbcc.edu>

## Selected Sources of Information for WRITING A CASE BRIEF

This guide is designed to help students begin their research for writing a case brief at the LAC Library and on the World Wide Web. If you need further assistance, please consult a librarian at the Reference Desk.

### STEP 1: SELECTING A COURT CASE

Before you begin writing a case brief, you must first select a court case on which to focus. The Library owns a number of reference sources related to law that provide you with legal information from the starting point of selecting a court case to the full-text of the court cases.

### REFERENCE SOURCES

The following are reference sources that give summary information on different Supreme Court cases.

#### At the Reference Desk

*Great American Trials* - Ref Desk KF 220.G74 1994

*Historic U.S. Court Cases 1690-1990: An Encyclopedia* - Ref Desk KF 385.A4 1992

*Sexuality and the Law: An Encyclopedia of Major Legal Cases* - Ref Desk KF 9325.A7 L46 1993

#### In the Reference Room

*The Oxford guide to United States Supreme Court decisions* - KF4548 .O97 1999

*The Oxford companion to the Supreme Court of the United States* - KF8742.A35 O93 1992

*Landmark decisions of the United States Supreme Court* - KF4549 .L37

*Landmark Supreme Court cases: a reference guide* - KF4549 .L58 1999

*Obscenity and pornography decisions of the United States Supreme Court* - KF9444.A7 O313 2000

*Freedom of religion decisions of the United States Supreme Court* - KF4783.A7 F74 1996

*Freedom of the press decisions of the United States Supreme Court* - KF4774.A52 F73 1996

*Freedom of speech decisions of the United States Supreme Court* - KF4772.A7 F75 1996

*Civil rights decisions of the United States Supreme Court: the 20th century* - KF4745 .C58 1994

Electronic Books (accessible at <http://www.netlibrary.com>, password available at the Library reference desk)

*Death Penalty Cases: Leading U.S. Supreme Court Cases On Capital Punishment.* Latzer, Barry. 1998.

*The Oxford Companion to the Supreme Court of the United States.* Hall, Kermit. 1992.

*Encyclopedia of Supreme Court Quotations.* Anzalone, Christopher A. 2000.

## Finding cases by subject, parties' names, and popular names

If you know the POPULAR NAME of a case but do not know the date, you may check: *Shepard's Acts and Cases by Popular Names* (Ref KF 90 .S52), a great source for finding citations for laws, acts and cases that are fairly well known or that have popular names.

If you know the SUBJECT or the PARTIES' NAME for a case, you may use a *Digest*. *Digests* are similar to encyclopedias. They are multi-volume collections containing summaries of court cases, arranged by subject. You can use digests to find citations for cases and to find cases on particular subjects of interest. There are digests for both state and federal cases.

U.S. Supreme Court cases:

*United States Supreme Court Digest (1754-present)* - Ref KF 101.1 .U5.

California Supreme Court cases:

*West's California Digest* - Ref 47.1 .W4 and KFC 47.1 .W42 for the 2d. ed.

Online sources are helpful for choosing a case of interest and are searchable by keyword.

1). *Findlaw* - <http://www.findlaw.com/casecode/supreme.html> - a database of the U.S. Supreme Court decisions; indexed by year and *U.S. Reports* volume number; and searchable by citation, case title and full text. It also provides access to individual states' legal resources.

2). *Federal Legal Information Through Electronics database (FLITE)*

<http://www.fedworld.gov/supcourt/index.htm> provides access to thousands of U.S. Supreme Court decisions/opinions from 1937-1975, from *volume 300 to 422* of *U.S. Reports*. It also provides a link to the 300 most historic cases and the current decisions (May 1990-Present) on the Legal Information Institute <http://supct.law.cornell.edu/supct/cases/name.html> web site.

3). *U.S. Supreme Court Database (USSC+)* <http://www.usscplus.com/free.htm> - free services include the current term's decisions and the top 1000 cases most cited by the Supreme Court itself.

4). *Annotations of Cases Decided by the Supreme Court of the U.S.* -

<http://www.access.gpo.gov/congress/senate/constitution/> - analysis and interpretation of selected cases decided by the U.S. Supreme Court.

5). *U.S. Federal Courts Finder* - <http://www.law.emory.edu> - circuit court decisions and information can be found on this site.

## STEP 2: FINDING COURT CASES

There are "official" and "unofficial" versions of court cases and laws because they are published by several different publishers. The "official" versions are those published by the U.S. government Printing Office in Washington, D.C. The "unofficial" versions are those published by private publishing companies such as the West Publishing Company. These contain the exact text and are just as authoritative as the official versions. They also have two major advantages. First, they are annotated with additional information. Second, they are published a lot faster than the official versions. Please note that not all court decisions are published. Those that are published are discussed below.

There are also two distinct court systems in the United States: the federal courts and the state courts. Although method of locating federal or state cases does not vary drastically, it is a factor in deciding the law reference books that you will need to consult.

### The federal level

All Supreme Court Opinions; Selected Decisions of the U.S. Court of Appeals; and Selected Decisions of the U.S. District Courts.

***United States Reports*** (Not owned by the LBCC libraries) –

[Cited as U.S.] This is the official publication containing all opinions or decisions from the U.S. Supreme Court. The citation follows this order:

1. Title of the case, with the name of the party bringing the action first (the plaintiff), followed by the name of the party against whom the action is taken (the defendant);
2. Volume number;
3. Source: U.S.
4. Page number on which the decision begins; and,
5. Year of the decision (in parenthesis).

Example: Red Lion Broadcasting Co. v. U.S., 395 U.S. 367 (1969)

***Supreme Court Reporter*** (Ref KF 101 S82) –

[Cited as S. Ct. or as SC in *Shepard's*] - These are similar to the *U.S. Reports* but are published by the West Publishing Company. ***Supreme Court Reporter*** is an unofficial version of Supreme Court opinions or decisions. It publishes the Court's decisions with page references to the official *United States Reports*, as well as other editorial enhancements, including headnotes. Corresponding *U.S. Reports* volume and page numbers are printed on the spine of the ***Supreme Court Reporter***. The citation, S.Ct. is substituted for U.S. in above example. The citation for the Rosenberg case is 73 S.Ct. 1152, which means volume 73 of the ***Supreme Court Reporter***, page 1152.

**Note:** Although LBCC does not own the *U.S. Reports*, it is included in this handout to illustrate how a statutory or case law is cross-referenced in legal publications (also called *parallel citations*). For example, the case, *Employee Drug Testing Case* is cited in *Shepard's Acts and Cases by Popular Names* as being available in three sources:

489 U.S. 656 (i.e. volume 489 of the *United States Reports*, page 656)

103 L.Ed2d 685 (volume 103 of the *Lawyers Edition*, 2d, page 685)

109 SC 1384 (volume 109 of the ***Supreme Court Reporter***, page 1384)

This means that you will find the exact same case in any of these three volumes. The "unofficial" versions will also include annotations.

### The state level

There are reporters for each segment of the U.S. that contain cases from each state's highest court and Court of Appeals. These are published by the West Publishing Co., and are all "unofficial" versions. The ***Pacific Reporter***, cited as *P.* And *P2d*. Includes Alaska, Arizona, California, Colorado, Hawaii, Idaho, etc. Each state also has its own series, which reports cases only for that state. In California, the set is called the ***West's California Reporter*** (Ref KF 47 .W4) [Cited as *Cal. App.* or *Cal. Rptr.*]

### STEP 3: WRITING THE BRIEF

**Note:** *Please consult your teacher for specific guidelines.*

Why do you brief cases? Legal work is about resolving a legal problem. To resolve a legal problem, law (case law usually) must be applied to a set of facts. The ultimate goal of case analysis is to determine "law" from previously decided cases (precedent). The first step toward that goal is learning to analyze what the cases stand for. The next step is to extract the "elements" and "sub-elements" of a particular cause of action from the case law. Finally, case analysis helps in determining whether we can distinguish or reconcile a particular case from ours.

#### **Parts of a case brief:**

- (a) **Facts:** a short statement of what the case is about (the legally or procedurally significant facts).
- (b) **Procedural posture:** how the case got to the court that wrote the opinion that you are reading.
- (c) **Issue(s):** what is the BIG question that the court has been asked to answer?
- (d) **Holding:** what this court ruled, or, how the court answered the question (*theoretically, the court's application of the law to the facts of this specific case*).
- (e) **Discussion:** what the parties' argue and this court's response and ruling.
- (f) **Rule:** the general legal principle applied by the court to reach its decision. The rule of the case is the general principle that can apply to other cases.
- (g) **Analysis:** questions you (or anyone else) may have about the case.

For more information on case briefing, there is an excellent description provided by the University of Maine School of Law available on the Internet at this Web site  
[www.usm.maine.edu/~law/research/brief.htm](http://www.usm.maine.edu/~law/research/brief.htm)

### CITATION OF SOURCES

A research paper usually includes a *Works-cited* list according to specific documentation style such as MLA (Modern Language Association) or APA (American Psychological Association). The printed copies of these guides to documentation are available at the Library Reference desk. Guidelines are also available online at these Web sites:

APA style: [http://campusgw.library.cornell.edu/newhelp/res\\_strategy/citing/apa.html](http://campusgw.library.cornell.edu/newhelp/res_strategy/citing/apa.html)

MLA style: [http://campusgw.library.cornell.edu/newhelp/res\\_strategy/citing/mla.htm](http://campusgw.library.cornell.edu/newhelp/res_strategy/citing/mla.htm)

The MLA Bibliography composer <http://www.noodletools.com/noodlebib/index.html>