



A Guide to Case Briefing¹

Case briefs are a tool that law students may use to prepare for classes employing the “Socratic” or case method of teaching. They are also useful in preparing course outlines and for exams. You will not ordinarily turn in your case briefs to the professor. You should follow your professors’ instructions if they vary from this guide.

The Case Method: Most law professors use the case method of teaching, especially for first-year courses. They do not typically explain the law by lecturing about it. Instead, they engage students in discussion by asking detailed questions about the assigned reading. These questions are designed to guide you towards increasingly critical reading and analysis skills, as well as greater understanding of the substantive law.

Although it can be stressful to have a professor call on you to answer questions about a reading assignment, the case method of teaching encourages more thorough class preparation and develops oral presentation skills as well. Lawyers have to be able to teach themselves about new areas of law. They also have to be able to respond to tough questions from judges and supervising attorneys.

Case Briefing and Preparing for Class: Briefing a case basically means isolating the significant elements of a judicial opinion and preparing a short written summary of that information. Case briefs serve several purposes.

First, briefing requires you to read cases carefully so you can decide which information in a case is most important. Deciding what to include in your brief—and in how much detail—can be difficult at first, but this process helps to develop your analytical skills and judgment.

Second, briefing will help you to prepare for class. After briefing a case, you will understand and remember the information better. You also will have your own written summary of the case handy for class. Although you should not read from your case briefs to answer a professor’s question, having the brief available can provide a quick reference for you if needed.

Your professors’ questions will focus not only on the case itself, but will also explore its future significance. An important part of a lawyer’s job is to predict how a court will use previous cases to decide new disputes. An important

¹ Many legal research and writing texts contain information on case briefing. See, e.g., Helene S. Shapo et al., *Writing and Analysis in the Law* 39-63 (6th ed. 2013). You may review additional texts in the law school’s Legal Research & Writing program office, suite 4373 in the law library.

aspect of case analysis and briefing is to assess when a case will supply the rule for future decisions and when it will not.

Third, case briefs serve as the raw material for compiling a course outline, which, in turn, is an important step in preparing for law school exams. An outline essentially organizes the key related principles in an area of law. Your case briefs will help you to remember the type of facts triggering a particular rule. If an exam question then asks you to analyze new hypothetical facts, you will be able to recognize any “triggering” facts and the rules they invoke, in order to predict the outcome of the new case.

The Sections of a Case Brief: A case brief may consist of various sections, and again, professors may have different preferences. The following sections are typical.

Caption/Citation of the Case: The case “caption” gives useful information about the case context. It will include the parties’ names, a unique identifying “docket number,” the name of the deciding court, and the date of the opinion. A “citation” contains information that allows lawyers to quickly find the case opinion in published or online sources. You will learn about citation form in your Legal Research & Writing course.

Procedural history: Most published opinions are from appellate courts. This section should summarize who the parties are and what happened in the lower courts.

Holding: The holding is the final decision the court reached. The holding is the result of applying pre-existing rules, policy, and reasoning to the case facts. It is the new “rule of the case.”

Perhaps the most difficult task in framing the holding is to decide how broadly or how narrowly to phrase it. Stating the holding too narrowly may understate its significance, because the holding will seem to apply only to future cases with identical facts. Framing the holding too broadly may overstate the case’s significance, because the new rule will seem to apply to too many situations.

For example, an overly narrow holding might be that a hair salon can legally prevent its barbers from using leaflet advertising to compete against the salon in the same neighborhood for six months after they leave the salon’s employment. An overly broad holding might be that any business can legally prevent former employees from competing against it after they leave employment.

Issue: The issue is the specific legal question that the court decided. Often, the court will announce in its opinion what the issue is. However, you should test the court’s version of the issue against other information in the case. In light of the purposes of case briefing, it may be more helpful for you to frame the issue more narrowly, broadly, or specifically than the court stated it. As with the holding, the issue should strike a balance between being too general and too specific. One approach for framing the issue is to start with the court’s holding, if that is easier to identify, and then phrase the holding as a question.

Facts: This section of the brief should focus on those facts that were important to the outcome of the case. Not all facts that the court includes will be “outcome-determinative.” Courts often mention details that may put the dispute in context or may be interesting, but unimportant. A case brief must isolate those facts that the court considered to be influential or controlling in reaching its decision.

Isolating the outcome-determinative facts will help you judge the reach of the decision for future cases. If certain facts, or types of facts, trigger certain legal rules, then seeing those facts in future cases will help you predict how a court will decide the new case. For example, if it was important to the court’s decision that the case involved a government employee, that fact may limit the case’s significance for later cases involving private employees.

Reasoning: This section should summarize how and why the court reached its decision. You should explain how the court interpreted any pre-existing rules and how the court applied those rules to key facts of the case. Additionally, if the court relied on policy considerations, summarize that information as well. For example, in a case involving a contract limiting post-employment competition, relevant policies might favor competition in the marketplace, or protect legitimate business interests from unfair competition, or encourage the free movement of workers.

Keep the purposes of case briefing clearly in mind as you write this section. Be sure to describe those aspects of the court’s reasoning that will help you to know, even three months after you read the case, whether the same reasoning and underlying policy considerations should apply to a new set of facts. Ask yourself how different the new facts could be for the same underlying reasoning still to be valid and controlling.

Any discussion of law that is not necessary to the outcome of the dispute between the parties is “dicta” and is not part of the rule of a case.

If the case includes any concurring or dissenting opinions, make a note of those, but be sure to separate them from the majority opinion in summarizing the case.