The Basics of Law Study: Case Briefing

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Why Brief?

• Socratic & Case Methods
• Study Aid
• But beware:
  • Book Briefing
  • “Cool Kids don’t brief . . . .”
Case Brief Format

- Case Name and Citation
- Facts
- Procedural History
- Legal Issue
- Alleged Error
- Holding
- Reasoning
- Rules
- Disposition
- Dissents/Concurrences
- Notes

*Individual Instructors may prefer a different format; please check with them.*
Case Name & Citation

- Appellant v. Appellee, Reporter Number-Reporter Series-Starting Page in Reporter (Court and Date of Decision)

Facts

• Tells the story of the case
• Describes determinative facts of the case or the facts that the court relied on to reach its holding
• Example:

  P and D own adjoining lots in Charlestown, R.I. P has a distant view of the ocean over D’s property. In March of 2001, after P objected to D’s plan to build a second story to his house, D planted a row of four western arborvitae trees on the property boundary between P & D. The trees reached a height of forty feet and could grow as high as seventy feet. The trees were in close proximity (touched one another) and had a spread span of sixty feet.
Procedural History

• Traces the history of the case through the trial and appellate process
• What happened below?
• Who prevailed and why?
• Example:

  P brought an action in Superior Court against D alleging that D planted a row of trees in violation of G.L. § 34-10-20 ("Spite Fence Statute"). Trial court found that D did violate the statute and awarded P equitable relief. D appeals.
Legal Issues

What legal question(s) is the court asked to resolve?

Suggested format:  Whether/when

Example:

Whether a row of western arborvitae trees can constitute a fence under G.L. § 34-10-20 when the trees are planted on a property boundary, the trees are in close proximity to each other, and the trees grow to seventy feet tall and sixty feet wide.
Alleged Error

Allegation of factual or procedural or legal error made by lower (trial) court.

Example:

D asserted that the trial court erred when it ruled that a row of trees constituted a fence under the Spite Fence Statute.
Holding

• Resolves the issue(s) before the court
• Statement that answers the question(s) before the court
• Can often be a re-worked legal issue
• Example:

  Yes. A row of western arborvitae trees can constitute a fence under G.L. § 34-10-20 when the trees are planted on a property boundary, the trees are in close proximity to each other, and the trees grow to seventy feet tall and sixty feet wide.
Reasoning

• Explains how the court reached its decision
• States the legal principles or policies employed by the court to reach its holding
• Describes how the rules when applied to the facts of the case resolve the issue(s)
• Probably the most important part of the brief
Reasoning Example

The Court determined that the legislature, in enacting the Spite Fence Statute, intended a fence to include a hedge. Furthermore, the Court agreed with the trial court and determined that a row of western arborvitae trees may constitute a hedge and, thus, the trees are a fence within the meaning of the statute. In the alternative, even if the trees are not a hedge per se, the statute refers to a “fence or other structure in the nature of a fence.” A row of western arborvitae trees could be a “fence or other structure in the nature of a fence” when the trees are planted in a row, are positioned in close proximity to each other, and have a “towering presence.” As such, the trees satisfy either term in the statute.
Rules

• State the legal principles employed or adopted to resolve the issue(s)
• What law did the court use to dispose of the case?
• Example:
  1. For the purposes of § 34-10-20, a hedge can be a fence.
  2. A hedge consisting of a row of trees planted on a property boundary can be considered a fence under the Spite Fence Statute when the trees are large and in close proximity to each other.
  3. A row of trees planted on a property boundary can be considered a “structure in the nature of a fence” under the Spite Fence Statute when the trees are large and are planted in close proximity to each other.
Case A

Held, an undercover police officer posing as a drug dealer did entrap the defendant, because the officer waived a loaded revolver at defendant when he asked the defendant to buy drugs. But for the gun, the defendant would not have committed the crime.

What is the rule of law from this case?
Case B

Held, the police did entrap the defendant because an undercover officer asked defendant on four separate occasions to sell her drugs. But for the requests, the defendant would not have committed the crime.

What is the rule of law from this case?
Disposition

• State the court’s ultimate action or decision
• How did the court dispose of the matter?
• Likely contenders?
  • Affirmed
  • Reversed
  • Overruled
  • Remanded (Reversed and remanded)
• Example: Affirmed
Dissent: Judge(s) disagrees with the majority’s decision, reasoning, or both.

Concurrence: Judge(s) agrees with part or all of the majority’s decision but for different reasons.
Notes

Place for your notes, comments, or questions.