

# Format of a Case Brief

Case briefing is simply a formalized way of taking notes about the cases you have read. For this reason, there is no such thing as a perfect case brief and briefs on the same case completed by different people will inevitably vary. In addition, each of your professors may expect something a bit different from you regarding your case briefs. So, you must be flexible and learn to vary your approach depending on your unique abilities and the requirements of your professors.

That being said, we still need a starting point from which to work. Below you will find a format for a case brief along with some very basic information about each section of the template. Remember, we will be supplementing this general information with a much more detailed discussion of case briefing during orientation. For now, simply review the format and accompanying explanatory material before reading your first law school case.

Most case briefs contain the following sections:

- **Case Name, Citation, and Author**
- **Facts**
- **Procedural History**
- **Issue**
- **Holding**
- **Rule**
- **Reasoning**
- **Disposition or Judgment**
- **Notes**

**Case Name, Citation, and Author** – This may be the most straightforward part of completing a case brief, but there are details that you will be expected to learn over time. Generally, the case name will be the last name of the first party on the left side of the “v” and the last name of the first party of the right side of the “v.”

The citation simply tells readers where the case is located and the year it was decided. Case citation, a topic that you will cover extensively in your Basic Legal Skills course, includes the book, volume, and page number where the case appears. This information is necessary in order to find the case in the future. In addition, case citations are used in legal writing to inform readers where they can go to find legal support for your assertions. The judge is the author of the majority opinion.

**Facts** – The term “facts” is fairly self explanatory, but lawyers typically mean something very specific when referring to facts. The facts in your case briefs will be the story behind the dispute, but lawyers will often limit their discussion of facts to those that they deem critical or material. Critical or material facts are those that are necessary to the court’s conclusion. Here is a good rule of thumb for differentiating material facts from general facts – if the fact was changed, would it lead to a different conclusion or different reasoning on the part of the court?

**Procedural History** – A case’s procedural history is simply the path the case took before it arrived in the court writing the decision you are briefing. Most of the cases you read during the first year of law school are appellate cases. Usually, this means that there has already been a trial or the case was resolved before trial. Therefore, a case’s procedural history will include a reference to each of the courts that dealt with the case before it reached the place where you are reading it.

**Issue** – The issue is the question (or questions) the court is seeking to resolve in the case you are reading. While you could frame the issue as “did the lower courts make a mistake,” this formulation is not very helpful because it is too general and does not accurately reflect the problem with which the court was grappling.

When formulating your statement of the issue, keep a few things in mind. First, make sure you frame the issue as a question that can be answered with a simple “yes” or “no” answer. Second, try to make your statement of the issue as specific as possible, which typically means incorporating the material facts.

**Holding** – This is the answer to the question you formulated in your issue statement. Some view the “yes” or “no” answer to the issue statement as the holding, while others go on to include the new rule of law the court is announcing with its decision. Either form is acceptable, but if you include the rule here then you may not have a separate “rule” section in your brief.

**Rule** – If not listed in your statement of the holding, then this is where you will place the rule being announced by the court. Unlike your statement of the issue, which should be fairly specific, your statement of the rule should be more general. If your statement of the rule is too specific, then it will only govern in situations that mirror the case you are reading. A somewhat more general statement of the rule allows the case to govern in more instances. Based on my description of a “rule,” you can probably surmise that different lawyers will say that a case stands for somewhat different propositions. For this reason, two parties to a dispute can refer to the same case as support for their side’s argument!

**Reasoning/Rationale** – This is the “why” behind the court’s holding, and it is extremely important. If you understand why the court ruled as it did, then you are long way towards determining the case’s applicability to your situation.

**Disposition or Judgment** – This is the court’s decision as to what to do with the case. Typically, the court’s disposition appears at or near the end of the case, and will include “Affirmed,” “Overruled,” “Reversed,” “Remanded,” or some combination of these expressions.

**Notes** – This is something of a catchall category where you may list things that do not fit neatly into one of our other headings. This is a good place to list the definitions for new legal terms that you needed to look up while reading the case. On this point, you will encounter dozens of unfamiliar terms and phrases during your first weeks of law school. You are not expected to know these legal terms of art when you first walk through the door of the law

school. You are responsible, however, for learning the meaning of every word appearing in the cases you read prior to each class session. Therefore, a legal dictionary is a must for every new law student.

The notes section is also a great place to consider how your new rule might be applied to slightly different factual scenarios.

