

## WRITING CASE BRIEFS

At law schools in the United States, writing case briefs is an important part of studying law. Law students are confronted with the facts, legal issues, and reasoning of hundreds of cases that they are expected to know and apply in their continuing work. In law examinations, students must refer to numerous cases in order to support their reasoning and conclusions to a **hypothetical**, as practice cases are called. Students thus summarize crucial cases in so-called “case briefs,” with which they can organize their growing collection of cases in a meaningful manner. Writing case briefs also improves the students’ understanding of cases as well as their analytical skills.

You should include the following elements in your case briefs:

**FACTS:** Name the kind of controversy or action involved. Name the parties. Explain the essential facts of the case.

**PROCEDURAL HISTORY:** Explain what each party originally sought from the court of first instance. Which party won? Why did the losing party appeal? What happened procedurally to get the case before the present court?

**ISSUE:** State the precise question of law before the court. Use one interrogative sentence for each issue the court must decide.

**HOLDING:** What is the answer to the question posed in the stated issue? Give the holding on each issue with “yes” or “no.”

**REASONING:** State the reasons for the court’s decision. This section requires that you develop the court’s reasoning in detail. The court will most likely include several different reasons for its decision, and you should discuss each of these reasons separately. Structure this section carefully and clearly differentiate between the individual reasons. Include citations of the legal authority (cases and statutes) that the court uses to support its reasoning.

**ANALYSIS AND CONCLUSION:** Why is this case significant in the area of law that it pertains to? Include background information that you needed in order to understand the case. What is the potential impact of the case in the area of law under consideration? Your own opinion about the case is also an important part of this section. Do you think the case was properly decided and well-reasoned? Do you agree with the direction in which the law will likely develop as a result of this decision?

Please also follow the “Instructions for Research Papers” and use the links under this heading in writing your case briefs.