

## U.S. Legal Writing

### What is a Case Brief?

A *case brief* is a written summary of the basic pieces of a judicial opinion. Case briefs are helpful in law school to help you acquire the skills of case analysis and legal reasoning, in particular in preparation for class discussion. Case briefs also help you remember the cases you read for course outlines and end-of-semester review for final examinations.

Although the exact form of your briefs can vary from case to case and from class to class, the following parts will generally appear in your case brief in a way that helps you understand the case, recall the needed information for class discussion, and appreciate the educational reason(s) for studying the case assigned:

1. **Heading:** Case name & citation (practice The Bluebook format here).
2. **Procedural History or Posture** (where is this case procedurally—what court, what level of appeal—and how).
3. **Issue(s)**<sup>1</sup>: A substantive statement of the issue consists of the point of law in dispute with some mention of the key facts of the case relating to that point of law in dispute.
4. **Facts:** list the *legally relevant* details that tell the story of the case.
5. **Rules:** What rule(s) of law did the court apply to determine the issue. A rule of law could derive from a statute, case rule, regulation, or may be a synthesis of prior holdings in similar cases (common law). The rule or legal principle may be expressly stated in the opinion or it may be implied.
6. **Holding**<sup>2</sup>: This is the court's decision in this specific case—the application of the rule(s) to the facts. If you have written the issue statement(s) as a question, the holding is often the answer to the question of the issue statement.
7. **Reasoning:** This is the court's analysis of the issues and the heart of the case brief. Reasoning is the way in which the court applied the rules/legal principles to the particular facts in the case to reach its decision. This includes application of rules as well as policy arguments the court uses to justify its holding.
8. **Concurring/Dissenting Opinions:** A judge who hears a case may not agree with the majority's decision and will write a separate dissenting opinion. Another judge may agree with the decision but for different reasons and will write a separate concurring opinion. Note the concurring/dissenting judge(s)' reasons for refusing to join in the majority opinion.
9. **Functional Analysis**<sup>3</sup>: Why did the professor assign this case at this time in the semester for this class?

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<sup>1</sup> Typically, the disputed issue involves how the court applied some element of the pertinent rule to the facts of the specific case. Resolving the issue will determine the court's disposition of the case.

<sup>2</sup> Some professors may use the words "holding" and "rule" differently than presented in this handout. You will want to know your audience and understand what each professor is looking for when they ask you about a holding or a rule. When discussing judicial opinions it is important to distinguish between the court's holding in the specific case it decided and the legal rule or principle that can be deduced (and applied to other matters) from the court's reasoning in that case.

<sup>3</sup> JD students are not explicitly taught to identify the functional analysis of why a particular case is assigned. This is a key educational tool, however, and will heighten your understanding of the case, the analysis, and the course.