

## Case Brief Template

### Case:

- Name of the Case, Citation, and Date
- Name of the case should always be italicized, and it should always be \_\_\_\_\_ v. \_\_\_\_\_ not \_\_\_\_ vs. \_\_\_\_\_.
  - The name of the case and the citation should always be separated by a comma, and the year should always follow in parentheses
  - Citation format is created from the reporter location where the case takes place. For a vast majority of cases in this class, it will be number U.S. number (year)
    - Example: *Marbury v. Madison*, 5 U.S. 137 (1803)

### Facts:

- Who are the parties to the lawsuit, what is their dispute, and how did they get to the Supreme Court?
- Appellate Courts, like SCOTUS, are courts of law, not of fact, but you should still include (in your own words) a few (3-5 bullet points) facts that help you to better understand the context of a case.
  - Brevity, in most instances, is better than depth.
  - Example: I am not concerned what time of day criminal X was arrested, but rather under what circumstances/why he was arrested.

### Issue:

- What is the basic legal question regarding what specific provision of law that is to be decided in the case?
- This is by far the easiest (other than the citation) part of the case brief to write. If done correctly, it should be one line (or several if the court is tackling multiple issues in a case) phrased in the form of a yes/no question.
  - Examples: Does Plaintiff A have standing to sue given the facts of the case? Does Statute X violate the constitutional right an individual has to Y?

### Holding/Ruling:

- What is the majority's basic answer to the basic legal question in the case.
- It can begin with yes/no, but it should be a single declarative sentence for each issue that the Court addressed.
- Example: Yes, Plaintiff A does have standing, because of X,Y, and Z.

**Rationale/Reasoning:**

- This is the most important, and often most difficult part of the case brief to write. What is the majority's *explanation why* it reached its holding? You need to (in your own words) describe the Court's reasoning for its ruling/holding.
- Often times, the Court will provide more than one reason for its decision. You are responsible for them all. This may include policy reasons and legal reasons for the decision received.
  - Legal reasons are often narrow and directly apply to the facts of the case.
  - Policy reasons are have broader implications than just the one case, and may include social justification for a decision.
- When writing the Rationale or reasoning you may want to consider two things to better your understanding. The Rule and the Application.
  - **Rule:** *What* rule of law is announced in the case? A court first must announce a specific controlling principle of law (e.g. the court's interpretation of a constitutional provision, NOT the constitutional provision itself!) that applies to the issue in the case. This is also the abstract, general legal principle that will be applied to all future cases involving this issue, using this case as a precedent, and it is important to understand under what factual circumstances the rule applies. Often the court will usually explain why the rule is being created or applied, such as the origin of the rule, or the policy behind the rule existing, and also will often explain why any alternative rules proposed by the parties or the dissenting justices are being rejected. Here the court usually looks at the words of a constitutional or statutory provision, the original intent behind that law, and public policy arguments.
  - **Application:** *How* does the rule of law specifically apply given the specific facts of the case at issue? In other words, given the rule of law that should apply, which party wins according to that rule given the facts of the case being heard? The reasoning of the court here should consider the facts of the case, and might analogize or distinguish the facts of the current case to the facts of earlier similar or related cases.

**Other Opinions:**

- Often times, judges do not agree on everything in a case. This section of your brief is used to highlight these disagreements. Later judges may use these reasons as precedent develops so it is important to include these. I include the vote count of the case in this section, the author of each separate opinion, and the type of opinion.

- **Concurring Opinion(s) Reasoning:** What is the reasoning of each separate concurrence (justices who agreed with the majority's holding but disagreed with the majority's reasoning)? How do they differ in their proposed rule or application (or both)?
- **Dissenting Opinion(s) Reasoning:** What is the reasoning of each separate dissent (justices who disagreed with both the majority's holding and its reasoning)? How do they differ in their proposed rule or application (or both)?

**Case in Perspective:**

- Not a required section of your brief, but I recommend students include this to help contextualize the outcome of the case with the other cases in the section/chapter or within the class. It becomes the most useful tool for studying for exams especially when trying to understand the development of precedent around an area or issue.