

Elements of a Case

ELEMENT	DESCRIPTION
1. Parties	Plaintiff (Claimant) / Prosecutor v. Defendant / Respondent or Appellant v. Appellee
2. Action	Civil or Criminal
3. Trial or Appellate Court	In which court is the case being decided? Is it a trial court or an appellate court? Note: Look at the function of the court NOT the title of the court
4. Facts	A case has both - Substantive facts and Procedural facts Substantive facts are those relevant to the case, and should be sorted by their relation to the issues being decided in the case
5. Claims of Parties	Cause of action and arguments of the parties
6. The Law	What is the area of law that is being determined in this case? Examples: Torts, Family, Contract, Criminal, etc.
7. The Authority	Is there a statute or case law rule that is at issue?
8. The Issue	What is the question on which this case will be decided? What question (issue) must the court decide in this case? Note that the court will present the main issues in the case. It is possible that the court will consider more than one issue. (Often, however, it is only one issue that really disposes of the case).
9. The Decision	a. The Holding (what the court hold/held) - which party wins and what happens as a result (what order is made). b. The Reasoning - The rationale behind the holding (why a party wins) Note: each court in the chain will have a decision. Sometimes the opinion does not present the reasoning of another court, particularly of the lower court The reasoning often will cite authority for the court's decision. The authority may be: - a statute or other rule of law - a precedent (a previous binding decision) - a policy

How to Brief a Case

- F** Facts - What are the procedural facts? How did the case reach the present court? What is the appellate history of the case? Which facts are substantive facts? What occurred between the parties to cause the lawsuit in the first place? Which fact(s) favors the plaintiff/prosecutor? Which fact(s) favor the defendant? Identify: who, what, when, where, how
- I** Issue - What is the core legal and factual question in the case? For example: Did the Defendant doctor breach his duty of care to the Plaintiff patient when he forgot the operating sponge in her abdomen?
The issue must always be phrased as a question.
- R** Rule of law - What authority (statutes, laws, cases, treatises, law review articles) is cited by the attorneys and judges in the case? How is the authority used to form arguments?
- A** Analysis - Balance the facts and the law cited in the case. Evaluate the cases cited in the case. How does one authority help or harm each of the parties to the case?
Compare and contrast - how is a case cited similar to or different from the case at issue?
- C** Conclusion / Opinion - the answer to the controversy. What is the holding in the case (i.e. Granted, Denied, Affirmed, Upheld, Reversed, Reversed in Part, Reversed and Remanded, etc)? Was the decision unanimous? If not, how many judges/justices concurred with the majority opinion? How many judges/justices dissented? What policy and/or legal reasoning did the Judge use to decide the case?