

Case briefs are documents prepared by students as a study aid when trying to capture the essence and importance of appellate court decisions. A case brief summarizes a court decision by outlining, at a minimum, the facts of the case, the legal issues raised, and the rationale for the court's decision.

There are many ways to organize a case brief and each structure may include and exclude items different than those requested here. The references listed at the end of this handout show the variation in how a case might be briefed, but they also provide additional information to help you complete a brief. So, in addition to the items and explanations below, you should consult the references for additional clarity. For purposes of the assignment, follow the structure provided here in preparing your case brief.

CASE NAME AND ROLES

As you learned in the citing cases assignment, the case name will typically show two parties. In a criminal case the first party is invariably the government (probably state or federal) and the second party is the defendant. However, a case before an appellate court (which are the cases you will brief) may result in a switch when a defendant (now the appellant or petitioner) seeks action against the state (now the appellee or respondent). See Ferdico (p. viii) for a review of determining who's who in a case name. So, in addition to providing the proper case citation, this section of the brief will also specify the role of each party.

PROCEDURAL BACKGROUND

Appellate cases have, by definition, already had a trial stage. In fact, depending on what appeal level the case now being briefed is at, it may already have been to several appellate courts. The case brief should identify the courts that have dealt with the case and indicate the decisions those courts have made. (See Ferdico's example (bottom of p. viii and top of p. ix) using *Bond v. United States*.) The sections of the court opinion that help identify the procedural background will also provide information for the "roles" section above.

As a warning—based on briefs provided in other classes—some students confuse the court opinion for the case now being briefed with opinions from earlier courts. This is another good reason to include the procedural background as part of a case brief since it helps you clarify how your case got to the U.S. Supreme Court (the court for all briefs in this assignment). Remember, the brief you are writing summarizes the facts, issues, holding, and rationale in the U.S. Supreme Court opinion for the case name you have identified at the start of the brief. Don't confuse those items (especially the court's holding, rationale, and disposition) with ones relevant to court opinions on this case at earlier stages.

FACTS

In one or two paragraphs, provide a concise summary of the incident that brought the case before the court. This will include a description of the crime and the circumstances causing the earlier court's decision to be appealed. This is actually one of the more difficult parts of the brief since requires you to clearly identify and concisely state **ONLY** that information needed to understand the case. The decision itself usually includes a lot more information than is needed for the brief.

The issues being addressed in the case (see the following section) will help you determine what facts are especially important for your brief. In fact, some authors suggest you write the issues section first to help you more clearly identify the facts.

Ferdico (bottom of column A and top of column B on p. ix) suggests the type of questions that should be answered in this section. As he notes, the behavior of the police during their investigation, confrontation, apprehension, detention, etc. of the defendant will probably constitute important facts in most of the cases you are briefing. It is important for you to remember, however, that behavior by magistrates, prosecutors, defense attorneys, trial judges, wardens, etc. can also be claimed to have violated right of the defendant (appellant/petitioner).

LEGAL ISSUE

Phrase, in your own words, the legal question the court has tried to answer in this case. State the issue as a question (e.g., "Can a police officer. . .?"). Sometimes the issue is made very clear in the opinion (e.g., "This case presents the question. . .", "The issue in this case is . . .") but at other times it is not quite so "in your face." Even when the issue is blatantly presented in the opinion, you should still phrase it in your own words. There are several reasons for this. First, court opinions often address several legal issues. In this class we are concentrating on procedural issues so you need to identify the specific issue related to the procedure followed by the police (in most of your cases). Second, court opinions are often long, wordy, and filled with terms unfamiliar to undergraduates. As a result, putting the issue in your own words (use the Ferdico's glossary to help understand some of the court's legal terminology) will help all of us understand it better.

DECISION OR HOLDING

How has this court resolved the issue? What was the outcome? What action did the court take? Like the legal issue, the court's decision or holding is probably clearly stated in the opinion (e.g., "We hold . . .").

This should be a brief summary of the court's decision (see Ferdico's examples in the various "Key Holdings" at the end of Chapters 3-14) and will, of course, resemble aspects of the legal issue statement. In this sense, the holding tells the answer to the question phrased as the legal issue. One could even claim the decision is a one-word or simple-sentence response to the legal question. For example, Ferdico (p. ix) uses this quote from Chief Justice Rehnquist: Obviously, your case brief needs to provide more information than "it did." As Ferdico explains, you will probably find a more complete statement of the court's "holding further along in the opinion or at the end, after discussing its reasoning" (p. ix).

REASONING

Why did the court reach the decision it did? What arguments justify the holding? Because judges often write many pages when justifying and explaining their decisions, this can be a difficult section for student's to write. The doctrine of *stare decisis* requires judges to align their decision with legal principles established in previously decided cases. As a result, court opinions take considerable space to show how the current decision is consistent with the established principles. Your job is to state, as succinctly as possible, the rationale provided by the court's majority in support of their decision.

DISPOSITION

So, what happened as a result of the court's decision? You will find a specific disposition somewhere in the opinion. Ferdico (p. x) highlights the three most common dispositions:

Affirmed — The appellate court agree with the opinion of the lower court from which the appeal came.

Reversed — The appellate court disagrees with the opinion of the lower court from which the appeal came and sets aside or invalidates that opinion. Reversals are often accompanied by a remand.

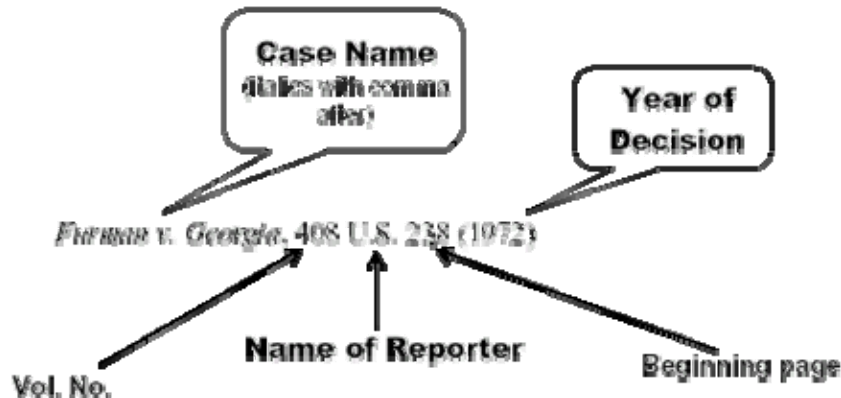
Remanded — The case is sent back to the court from which it came for further action consistent with the appellate court opinion. Remand often accompanies a reversal.

Those items are the ones being requested for this assignment. You should be able to complete your case brief in two pages using those seven items as your subheadings. To give you an idea of how a sample brief might look, see the one provided by Benjamin Templin on the [Law Nerds site](#). That example uses a different structure than I suggest here, but it provides a good explanation and example that may assist you.

How to Read a Case Citation

Knowing how to read and write case citations is an important skill for everyone studying criminal justice. The figure below and the comments that follow may help with your understanding of the basic elements. Those of you going on to law school will become aware of greater complexity than is shown here. But this level of understanding is sufficient for most of us.

Reading Case Citations



Above are the parts of a standard case citation. The citation tells us that a case called *Furman versus Georgia* was decided in 1972 and can be found in Volume 408 of the *United States Reports*, starting on page 238.

Some Variations

- When using a direct quote from the case, it is important to provide the specific page on which that quote is found. In that case, the citation would have the page added as follows:

Furman v. Georgia, 408 U.S. 238, 240 (1972)

OR

Furman v. Georgia, 408 U.S. at 240 (1972)

- Because federal appeals courts (circuit courts) are found in one of twelve different districts, the specific district is typically added as follows:

Cooper v. Pate, 382 F.2d 443 (7th Cir. 1967)

- Ninety-four federal district courts are spread throughout the country (there is at least one in every state and the more populated states have as many as four). The specific district should be identified:

Howard v. United States, 864 F.Supp. 1019 (D. Colo. 1994)

Case Name

There are typically two names for a case. Usually, the first name identifies who is bringing the court action and the second name is the person against whom action is being brought. In a criminal law case action is almost always brought by the state (e.g., People or State) against a person (e.g., Joe) as in *People v. Joe* or *State v. Joe*.

However, the “defendant” may not always stay the same. In the *Furman v. Georgia* case, Furman was originally the defendant in a murder case being prosecuted in Georgia. However, Furman appealed his conviction and in doing so he became the person taking action against the state.

Year

This is the year in which the decision was delivered by the court. It may not be (and in appellate cases, probably isn’t) the year in which the case was heard.

Name of Reporter

A “reporter” is a multi-volume publication where court decisions are found. The full name and abbreviations for the reporters you are most likely to encounter as undergraduates are:

| Full Name | Official Abbreviation | Type of Case Reported |
|---|-----------------------|--|
| United States Reports | U.S. | U.S. Supreme Court |
| Supreme Court Reporter | S.Ct. | U.S. Supreme Court |
| Federal Reporter (First through third series) | F., F.2d, and F.3d | Federal Appeals Courts |
| Federal Supplement (First and second | F.Supp, F.Supp2 | Important decisions from Federal District Courts |

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| series) | | |
| Atlantic Reporter, California Reporter, Northeastern Reporter, Pacific Reporter, etc. | A., Cal. Rptr., N.E., P. | Appellate level state court cases appear in one of the various state or regional reporters. |

Volume Number and Beginning Page

Without knowing what volume of the reporter to look in, and what page the case starts on, it would be very difficult to track the case down. Not impossible, however, as you can use the table of cases in digests like West's *United States Supreme Court Digest* or, for very recent cases, *U.S. Law Week*. Similar digests exist for other federal and state cases