

Preparing a case brief

Although individuals or law firms usually have their own preferred ways of structuring a case brief, a typical one will include the following elements:

A The name of the case, the name of the parties

Cases acquire their names from the parties involved, with the name of the party who initiates the action appearing first.

Useful terms:

Plaintiff: the party who files a complaint in a civil suit in a trial court

Defendant: the party being sued

Appellant: the party who appeals the judgment of a lower court (US also petitioner)

Respondent: the responding party in an appeal (US also appellee)

B A summary of the facts of the case

The circumstances leading to the dispute should be described briefly, but in all necessary detail. The history of the case, including the ruling of the lower courts, should also be mentioned.

Useful phrases

The facts of the case are as follows...

1).....

The lower court held that...

2).....

C The legal issue(s) involved in the case

The point of law around which the case revolves or the legal issue it raises should be identified. This issue is often stated in the form of a question that can be answered yes or no, or in the form of indirect question beginning with *whether*.

Useful phrases

The question raised by the case is whether...

3)

4)

D The ruling or holding of the court

The decision of the court in the case should be stated. This statement can take the form of an answer to the legal question raised by the case.

Useful phrases

The court ruled/held that ...

5)

6)

7)

E The reasoning of the court

Here, an account of the reasons leading to the decision of the court is given, usually making reference to previous cases and established principles of law.

Useful phrases

The court argued/reasoned that ...

8)

9)