

CASE BRIEF

How to Write a Case Brief

The previous section described the parts of a case in order to make it easier to read and identify the pertinent information that you will use to create your briefs. This section will describe the parts of a brief in order to give you an idea about what a brief is, what is helpful to include in a brief, and what purpose it serves.

Elements of a brief

- **Facts** (name of the case and its parties, what happened factually and procedurally, and the judgment)
- **Issues** (what is in dispute)
- **Holding** (the applied rule of law)
- **Rationale** (reasons for the holding)

If you include nothing but these four elements, you should have everything you need in order to recall effectively the information from the case during class or several months later when studying for exams.

Elements that you may want to consider including in addition to the four basic elements are:

- **Dicta** (commentary about the decision that was not the basis for the decision)
- **Dissent** (if a valuable dissenting opinion exists, the dissent's opinion)
- **Party's Arguments** (each party's opposing argument concerning the ultimate issue)
- **Comments** (personal commentary)

In addition to these elements, it may help you to organize your thoughts, as some people do, by dividing Facts into separate elements:

- **Facts of the case** (what actually happened, the controversy)
- **Procedural History** (what events within the court system led to the present case)
- **Judgment** (what the court actually decided)

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New Mexico. Supreme Court

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United States Supreme Court Reports United States. Supreme Court, 1886 First series books 1-43 includes Notes on U S reports by Walter Malins Rose **Census Reports**, 1885 *The Punjab Record*, 1878 *A Handbook for Teachers of Children who are Retarded Mentally*, 1943 *Etude Music Magazine* Theodore Presser, 1895 Includes music *Annual Report* Saint Louis (Mo.). Board of Education, 1873 **Report of Cases Determined in the Supreme Court and Court of Appeals of the State of New Mexico** New Mexico. Supreme Court, 2004 **Report of the School Committee, of the City of Cambridge, for the Municipal Year Ending ...**, 1906 Vol for 1876 also includes a report on the sanitary condition of the school houses *Abridged Index Medicus*, 1997 **The Boston Medical and Surgical Journal**, 1888

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