

Writing a Case Brief

"Briefing" or outlining a case's major elements can be a useful tool of analysis. While there exists no set formula or "right way" to write a brief, it generally includes the following information:

1. Title and Citation:

Case titles generally take on the names of the parties involved in the case. A citation acts as the case's "address." Prior to 1874, Supreme Court decisions were issued under the names of the individual court reporters. Since that year, however, a standard format has been followed and all cases are contained in the United States Reports (abbreviated U.S. in case citations). Therefore, in the 1976 case, *Buckley v. Valeo*, the citation is 424 U.S. 1. This means that this case is found on page 1 of the 424th volume of the United States Reports.

2. Facts of the Case:

In this section, briefly note the relevant facts of the case that a) describe the dispute at hand and b) have brought the case to this point. Basically you should answer the questions of who did what to whom and why. The facts of the case are often presented at the outset of an opinion of the Court, although sometimes they may be described throughout the opinion. Here, it is also important to note the holdings of the lower court(s) (i.e., the legal history of the case) so that you understand the decision of the Supreme Court when it "reverses" or "affirms."

3. The Vote:

What is the vote in this case? How many justices are in the majority? Who is the author of the majority opinion? What justices join that opinion? Who offers concurring or dissenting opinions?

4. The Law and/or Constitutional Provisions at Issue:

Since Supreme Court decisions involve the interpretation of the Constitution, laws, and/or court precedents, in this section it is important to note just what the Court is being called upon to interpret.

5. The Legal Question:

In this section of the brief, identify the specific question before the Court. What are the issues that the Court is being asked to address? This should be posed by framing the question in a yes-no format.

6. The Opinion of the Court:

In this section, present the decision of the Court and its justifications for that ruling. It is important to note the reasoning that the Court uses to arrive at its decision. Therefore, how and why does the Court answer each of the questions identified previously?

7. Concurring/Dissenting Opinions:

When a member of the Court agrees with the outcome of a case, but either disagrees with the Court's reasoning or wishes to present a different point of view, he or she will offer a concurring opinion. In this section, identify and evaluate that alternative position.

A *dissenting opinion* is authored by a justice (or justices) when he/she (or they) believe that the decision of the Court is wrong. The basis of the dissent may derive from a different reasoning in the case, or from a different understanding of the facts of the case or the relevant precedents. In this section, identify and evaluate the dissenting opinion.

8. Evaluation of the Case:

What is important about this decision? Is the argument sound? How does it fit with previous decisions of the Court? What are the possible implications for this decision? If the case is narrowly decided, what are the differences noted by the dissenters and what bearing might they have on future cases?