What is a Case Brief?

A case brief is a condensed, concise outline-form summary of a court opinion. Hence, the term “brief.” It is generally used for more efficient self-study (it’s easier and more simple than re-reading a 100-page long case every time you want to refresh your memory about the case). It is also used to present the case to others (it’s easier and more simple than reading a 100-page long case verbatim). In other words, a case brief boils down a court opinion to the key elements and discusses the essence of the court’s opinion. These basic elements are the facts of the case, the particular legal issue that is at question in the case, the specific legal rule of law that is applicable to the case, the application of that rule of law to the facts of the case, and then the court’s holding/conclusion. With the exception of the specific rule of law (which should almost always be quoted), the case brief should be a summary and paraphrasing of the court’s opinion in your own words. This forces you to understand the court’s opinion much more deeply. In this course, I highly encourage you to study together regarding reading and understanding of the cases; however ***PREPARATION OF YOUR FINAL CASE BRIEF MUST BE YOUR OWN INDIVIDUAL WORK***.

**Model Case Brief Template and Sample:**

**Case:** Name of the case, (and year of the decision).

**Facts:** Who are the parties to the lawsuit, what is their dispute, and how did they get to the Supreme Court? In your own words, only include the few important facts necessary to understand the case; e.g. the time of day a defendant was arrested is usually not important, etc.

**Issue:** What is the basic legal question regarding what specific provision of law that is to be decided in the case?

**Holding:** What is the majority’s basic answer to the basic legal question in the case. Also include the vote count: majority/plurality—concurrency(s)—dissent(s)

***Majority Opinion Reasoning:** What is the majority’s explanation why it reached its holding? You will want to create a summarized, condensed, paraphrased outline of the court’s reasoning. The reasoning simply consists of two things: the RULE and the APPLICATION (of the rule to the facts of the case):

A. **Rule:** What rule of law is announced in the case? A court first must announce a specific controlling principle of law (e.g. the court's interpretation of a constitutional provision, NOT the constitutional provision itself!) that applies to the issue in the case. This is also the abstract, general legal principle that will be applied to all future cases involving this issue, using this case as a precedent, and it is important to understand under what factual circumstances the rule applies. Often the court will usually explain why the rule is being created or applied, such as the origin of the rule, or the policy behind the rule existing, and also will often explain why any alternative rules proposed by the parties or the dissenting justices are being rejected. Here the court usually looks at the words of a constitutional or statutory provision, the original intent behind that law, and public policy arguments. These are not the rule itself, but the explanation of, or justification for, the rule, You must quote precisely the actual rule itself (but not the explanation for the rule) that the court finally adopts and decides to apply; the actual wording of the rule itself is known as the “black letter law.” The rule itself must be quoted because every word matters: there is a huge difference between “a” and “the” or between “may” and “must” etc. But the justification for the rule should be primarily in your own words.

B. **Application:** How does the rule of law specifically apply given the specific facts of the case at issue? In other words, given the rule of law that should apply, which party wins according to that rule given the facts of the case being heard? The reasoning of the court here should consider the facts of the case, and might analogize or distinguish the facts of the current case to the facts of earlier similar or related cases. You should explain all this in your own words, quoting only an occasional word or phrase.

**Concurring Opinion(s) Reasoning:** What is the reasoning of each separate concurrence (justices who agreed with the majority’s holding but disagreed with the majority’s reasoning)? How do they differ in their proposed rule or application (or both)?

**Dissenting Opinion(s) Reasoning:** What is the reasoning of each separate dissent (justices who disagreed with both the majority’s holding and its reasoning)? How do they differ in their proposed rule or application (or both)?

**Sample Model Case Brief (Should be ONE page (Typed) MAXIMUM!):**

**Case:** Roe v. Wade (1973)

**Facts:** A woman was denied an abortion by a doctor afraid to violate a Texas criminal statute prohibiting abortions except "for the purpose of saving the life of the mother." The Federal District Court ruled the statute unconstitutional; there was a direct appeal by Texas to the U.S. Supreme Court.

**Issue:** Does the Texas statute violate a constitutional right to have an abortion?

**Holding:** (Vote: 7-2) Yes: The statute is unconstitutional because the constitution contains a right to an abortion.

**Majority Reasoning:** (Justice Blackmun)

A. **Rule:** The State of Texas asserts it’s rule (a law banning all abortions) is furthered by 2 interests: (1) Protecting prenatal life and (2) the medical safety of woman. The court accepts these interests, but rejects Texas’s absolute rule because:

1. There are 2 counter-weighing interests of the woman:
a. The woman has a privacy right grounded in a "penumbra" of Amendments 1, 4, 5, 9, 14, because "activities relating to marriage, procreation, family relationships, and child rearing and education" are "fundamental" and "implicit in the concept of ordered liberty."

b. The woman also has an interest in avoiding possible severe physical and psychological harm if an abortion is denied.

2. Also, a fetus is not a "person" within the meaning of the constitution, so it doesn’t get protection as a person.

3. Therefore, a proper rule balances the interests of the state v. the interests of the woman: in the early stages of pregnancy, the woman has stronger interests than the state, but as a fetus becomes more advanced, the state interests in prenatal life and a woman’s health grow to be "compelling," thus overriding the woman’s interests. This results in a 3-part RULE (trimester framework) the court announces:
   a. first trimester of pregnancy: no/little state interest in regulating abortion, so most abortion regulations are invalid.
   b. second trimester: moderate state interest (medical health of woman) so most medical regulations are okay.
   c. third trimester: Compelling state interest (fetal viability) so can outlaw abortion except to save woman’s life.

B. Application: Here (in this case) Texas’s law violates this framework, because it outlaws abortions not just in the third trimester, but also in the first and second trimesters of pregnancy.

Concurrence 1: (Stewart): a right to abortion comes ONLY from 14th Am. "liberty," not "penumbra" of Bill of Rights.

Concurrence 2: (Burger): there is a right to an abortion, but the court should give more leeway to medical safeguards.

Concurrence 3: (Douglas): there is a right to abortion, but this comes from a BROAD right of privacy.

Dissent 1: Rehnquist (joined by White):
   A. "Liberty" not found in the Bill of Rights is not absolutely protected because RULE: the correct test for social and economic regulation is whether the law has "rational relation to a valid state objective."

   B. The majority ignores that rule. The trimester scheme is "judicial legislation" and historical legal prohibitions show abortion is "not so rooted in the traditions and conscience of our people as to be ranked fundamental" because the drafters of the 14th Amendment did not intend to limit the states' ability to regulate abortion.

Dissent 2: White:
   A. There is "Nothing in the language or history of the Constitution to support the Court’s judgment," so the majority’s decision must be a "raw exercise of judicial power" that is "improvident and extravagant."

   B. The decision whether to allow abortions or not should be left to the people of the states and their legislatures—in other words, the political process.