

## How to Read Case Law

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### The Components of a Case

A court uses the following components in case law:

- Procedural History
- Facts
- Issue(s)
- Rule(s) of Law
- Reasoning/Analysis
- Holding(s) and the Court's Order

You should use these components when you brief, or summarize, case law.

As you read case law, try to identify each of the six components. This identification process slows your reading, but it helps you stay focused on what you are reading and what you should be looking for as you read case law. The key is to read wisely and try to read a case only one time. For each paragraph, you should be able to list one or more of the components in the margin. If you cannot, go back and reread the paragraph.

As you summarize a case, use these components as the headings for the section in your summary.

### Something to Consider

Much of your reading this semester may seem overwhelming. There are some things you can do to remain focused and to read with purpose. Most U.S. Supreme Court cases are well written. The authors understand the use of topic sentences. **Try this: Read only the first sentence of each paragraph in the *Kaupp* case, do not take any notes, do not underline, just read the first sentences.** This only takes a few minutes, but readers usually reap great rewards from this process. A good legal writer provides the most important information at the beginning of the paragraph. In most instances, you will pick up the key facts and key rules (law). By reading only the first sentence in each paragraph, you acquire an overview of the case. You may not understand why the Court held as it did, but you do have a jump start on what the case is all about.

### The Components

#### Procedural History

This information is usually located near the beginning of the case. This is sometimes called "judicial history." The Court explains how the case worked its way to this court. Many cases begin in a trial court, and then move on to appeal. Most of the "reported cases" are appellate cases. Trial court decisions are usually not printed. If you have trouble tracing the procedural history, try listing the previous court proceedings in a time-line format.

#### Facts

The facts are at the core of all cases. Your initial focus should be on the facts. It often helps to think about the facts in light of what happened before this matter became part of a judicial proceeding. When writing the facts section of a case brief, tell a story about people before the initial trial. Courts often provide much more factual detail than you need to place into a case brief. Remember, a case brief is a summary of the case. The Court usually places the facts very near the beginning of the decision.

### **Issue(s)**

The issue, and there may be several, is the question before this Court, that is, the Court writing the decision. It is important to remember that the issue on appeal is not the same as the issue presented to the lower court. For example, at the trial court level the issue may involve the guilt or innocence of a defendant. On appeal, the issue could involve a question of judicial error, but the issue on appeal will not involve the factual finding of guilt or innocence. In other words, did the judge make an error that must be corrected on appeal? Now, that said, there will be times when unusual issues move up on appeal, but this is a good starting point for your understanding of legal issues.

### **Rule(s) of Law**

The rules are the law used by the Court. Rules usually originate in primary sources of law, such as the Constitution, statutes, rules or regulations, and case law. The rules are applied to the facts of a case. The Court usually goes to great lengths to make sure readers understand exactly why a certain outcome was reached. A rule of thumb: When you read a paragraph containing law, it is probably an Analysis paragraph. The rule sets out the legal test the court uses to make a decision.

### ***Something to Consider***

Some paragraphs in case law decisions contain only procedural history or only facts. The more difficult paragraphs contain law, facts, and explanation or reasoning. These paragraphs are usually reasoning/analysis paragraphs.

### **Reasoning/Analysis**

This is the core of case law. The reasoning or analysis component is very important. Analysis is usually the lengthy component of a decision. A court explains its reasoning using the key facts and the relevant law. In our legal system, case law builds upon case law. Readers of case law must understand why a court reached a specific decision.

A court's analysis combines:

- key facts
- law
- the court's explanation

Writing a case brief is really nothing more than following a formula. If you stick to the formula, you should be successful.

Remember, readers have expectations. It is best to avoid surprise or confusion.

1. A reader must understand which facts are most important or key.
2. A reader must understand which law was relied upon or followed by the court.
3. A reader must understand the court's reasoning.

The reasoning of a court is at the center of every decision.

### **Holding and the Court's Order**

The holding states the court's conclusion or decision on the particular legal issue. When you summarize the holding, try to keep it very concise. After the decision about the legal issue, the court either takes some action or orders another court to take some action.