

Writing a Case Brief

A case brief is a written document that outlines and condenses a legal case, presenting the legal facts and rulings of that particular case. In other words, a case brief is a complete summary of a legal decision. Case briefs are a very beneficial resource for students undergoing law- or criminology-based programs. Case briefs are useful for a number of reasons:

- They pinpoint the most essential aspects of a case, making it much easier to produce the information;
- They outline the legal principles and rules that were established in a case;
- They place cases in context with other materials learned in a course;
- They are an excellent study tool.

Key elements in a case brief

Style of Cause

- Provide the case name and citation.
- Describe who was involved in the case.

Facts of the Case

- Explain what happened in the case.
 - This section provides an overview of the most important facts of the case, including all of the relevant people, actions, locations and objects involved.
- If applicable, provide information about which courts have heard the case already.
 - Consider how the case has moved through the court system and what the court's decision was in prior trials.

Issues in the Case

- Explain the legal issues that the court must decide.
 - This section outlines the main legal questions that the court was asked to decide. These issues can be written in question form and should summarize what legal issues are being addressed by the case. It's typically helpful to write the questions in a "yes/no" format.

Holding

- Describe the results of the case.
- Summarize the decision the judge made in this case.

Ratio Decidendi

- This is in other words, the reasons for the holding.
- Discuss what legal principle this decision stands for.

- The ratio identifies what is important about a case from a legal perspective and also what effect it might have on society. It is important because the legal precedents set by the Supreme Court of Canada are binding on lower courts and therefore influence how they decide similar cases.
- Summarize the explanation the court gave for its decision.
 - Include the legal rules and precedents the court followed to make its decision to it justify its application of the law in this particular case.

Example:

Case Brief: Brown v. Board of Education of Topeka

Style of cause: Brown v. Board of Education of Topeka (1954).

Facts of the Case: This case is an amalgamation of a number of different cases from Kansas, South Carolina, Virginia and Delaware. Several black children (through their legal representatives) sought admission to public schools that required or permitted segregation based on race. The plaintiffs alleged that segregation was unconstitutional under the Equal Protection Clause of the Fourteenth Amendment. In all but one case, a three-judge federal district court cited Plessy v. Ferguson in denying relief under the "separate but equal" doctrine. On appeal to the Supreme Court, the plaintiffs contended that segregated schools were not and could not be made equal and that they were therefore deprived of equal protection of the laws.

Issues in the Case: Is the race-based segregation of children into "separate but equal" public schools constitutional?

Holding: The race-based segregation of children into "separate but equal" public schools violates the Equal Protection Clause of the Fourteenth Amendment and is unconstitutional.

Ratio Decidendi: Segregation of children in public schools solely on the basis of race denies black children the equal protection of the laws guaranteed by the Fourteenth Amendment, even though the physical facilities and other may be equal. Education in public schools is a right that must be made available to all on equal terms. The question presented in these cases must be determined not on the basis of conditions existing when the Fourteenth Amendment was adopted, but rather in light of the role of public education in American life today. The separate but equal doctrine adopted in Plessy v. Ferguson, which applied to transportation has no place in the field of public education. Separating black children from others solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way that cannot be reversed. The impact of segregation is greater when it has the sanction of law. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law tends to impede the educational and mental development of black children and deprives them of some of the benefits they would receive in an integrated school system. Whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this verdict is sufficiently supported by modern authority and any language saying otherwise in Plessy v. Ferguson is rejected.

Source Consulted

Makdisi, M. & Makdisi, J. (). How to brief. *Introduction to the study of law: Cases and materials*, 3rd ed. (99-101). Durham, NC: Carolina Academic Press.