**Briefing Outline**

A case brief is simply a tool for learning. It is a written record of your understanding of the key components of a case.

You should only brief a case after you have read the case twice.

1) **Identify the **holding**. Remember, the holding is the actual decision in the case.**

   Holding:

2) **Identify the **issue**. Remember, the issue is the legal question that must be resolved before the case can be decided.**

   Issue:

   **Note:** If there are multiple issues, you must analyze each issue separately.

3) **Identify the **rule**. Remember, the rule is the general legal principle relevant to the particular factual situation presented.**

   Rule:

   **Note:** You should restate the rule in your own words, preserving any specific words that are significant to the court’s holding.

4) **Identify the **relevant facts**. Remember, there are two kinds of facts, operative (or “legally relevant” facts) and procedural facts (facts that relate to the procedural posture of the case).**

   Operative Facts:

   **Note:** You should write down the facts in your own words. If you are a visual person, you should consider drawing a graphic representation of the facts.

   **Note:** There should not be any facts listed in your factual description that do not appear in your issue statement and articulation of the court’s reasoning.
5) Identify the court’s reasons and policies.
What are the logical steps the court used to arrive at its holding?

What are the social justifications the court cites for its decision?

6) Synthesis. This is where you reconcile the case with the other cases you have read.
How does this case relate to the other cases you have read?

7) Your thoughts? Remember, it’s a good habit to include any thoughts you may have had as you read the case in your brief.

8) Are there any concurring or dissenting opinions?
What are the points of dispute with the majority opinion? Explain any concurring and/or dissenting opinions.

Note: This summary needs to be in your own words.

Lastly, be sure to check your facts, issue, rule, holding, and reasons and policies against one another. If you are using the same law and facts in each element, and they accurately reflect the court’s decision, you have a good case brief.

However, when the court’s holding changes the law, the law you describe in the holding will differ from the law you described in the rule.