Reading Checklist

Pre-Reading:

1) You should read cases with a clear purpose in mind.

What is your learning goal?

2) Have you obtained prior knowledge/background information about the subject of the case(s)? ____
   a. Have you reviewed your textbook’s table of contents for this series of cases? ____
   b. Have you reviewed your course syllabus for this series of cases? ____
   c. Did you read the topical introduction in your casebook? ____
   d. Have you read the Notes and Questions that follow the case? ____

If none of the above actions prove helpful in acquiring adequate background knowledge, then you should consult a supplemental text (hornbook, commercial outline, etc.).

3) Have you previewed the case? ____
   a. Have you quickly skimmed the case? ____
   b. Have you noted the details of the case? ____
      i. What is the date of the opinion? __________________
      ii. What was the social/political climate of that time?
      iii. What are the names of the parties?
         Plaintiff: ___________________________
         Defendant: _________________________
      iv. What court is issuing the opinion? __________________
         1. Is it a state or federal court? _________________
      v. Who is the author of the opinion? _______________
   c. Have you identified and read all the headings for the case? ____
   d. Have you read the first sentence of each paragraph in the case? ____
   e. Have you noted the decision?
What is the decision? _______________

f. Are there any concurring opinions? Any dissenting opinions?

Concurring? _______ How many? _______
Dissenting? _______ How many? _______

4) Have you developed hypotheses about the case? ____

At this point, you should have developed some excellent hypotheses about what you should be getting from the case. Write your hypotheses here:

5) Have you generated questions about the case? ____

Write your comprehension questions below. These questions should test whether or not you understand your reading:

Write your connection questions below. These questions should help you link your reading to ideas you learned previously in the course or you knew before coming to law school:

Now you are ready to begin reading...

Reading

Remember, your goal is to engage in a dialogue with the text. As you read you should be testing your comprehension, questioning the text, exploring your hypotheses and attempting to answer the questions you posed in your pre-reading activity while generating new questions.

Court opinions do not state absolute truth. They are really just pieces of persuasive writing in which the author (a judge) is trying to convince his or her audience (lawyers, other judges, and law professors) that the decision he or she is describing is a correct one.
Your job is NOT merely to pull information from the case. Your job is to construct meaning from the case for yourself.

**First Reading**

Read the case one time without marking the case at all. Your goal in this reading is to get a general sense of what the case is about.

Here are a few things you should think about as you read:

a. What are the key words in the action of the case? Be sure to notice the structure of the opinion.

b. What happened? What are the facts?

c. Why is this case in court again?

d. What does the court say the issue is?

e. Find the rule (usually in the paragraph or two before the decision)

**Second Reading**

Now read the case another time, this time focusing on the critical aspects of the case. As you go through the case, write down what you’re thinking in the margin of the text.

a. Are there any unfamiliar words and phrases or familiar words and phrases used in an unfamiliar way? If so, define them in the margin of your casebook.

b. What are the relevant facts? What facts were important to the court’s decision?

c. Study the court’s reasoning. Why did the court decide the case the way it did?
i. Do you agree with court’s decision? Why or why not?

ii. How would you have decided the case?

d. Have you answered the questions you posed before you began reading?

e. After reading the case, have your hypotheses about what you would be getting from the text changed? Remained the same? Write your thoughts below:

f. Review again the Notes and Questions after the text.

g. Consider the following questions:

1) How do all the elements (issue, decision, rule, and rationale) fit together?

2) How would you use the facts in the case to argue a different result?

3) Would a change in the socioeconomic or political environment of the time have brought a different result?

4) Why did the editor include this case in the textbook? Why did your professor assign this case? What is the relationship between this case and the other assigned cases?

   a. How does it differ from the other assigned cases?
   b. How is it similar to other assigned cases?
   c. How does this case fit into the larger topic and/or section?

5) What is a key fact in the case? If you changed that fact to ________________, would the court have reached the same decision?

   a. Now use this basic question structure to generate your own hypothetical questions. Make sure you ask hypotheticals that would both reach the same result and those that would result in the opposite conclusion.

6) What kind of factual situation may show up in the next case? How might the next case relate to this case?

Now you are ready to brief the case...