

## Preparing a Case Brief

Although individuals or law firms usually have their own preferred methods of structuring a case brief, a typical one will include the following elements:

(NOTE: In U.S. Law schools and firms, the bulk of this structure is called the "IRAC" pronounced /aI-reek/ or /eye-rack/. It's an acronym for Issue, Rule, Analysis, Conclusion).

### CASE STYLE

- Party names and their roles (plaintiff, defendant, appellant, appellee)
- Procedural Posture (where the case started -what court- and the path it took through appeals or motions to get to the current court). Terminology you can use includes phrases like: "The lower court held that..", or "The appeals court reversed the lower court's decision... »

### SUMMARY OF FACTS

- Relevant facts only. Can be told in chronological order if it will help your audience understand the case better.
- One way to begin this discussion is to say, "The facts of the case are as follows:"

### ISSUE

- Defines the problem that the court is going to resolve. Sometimes there is more than one issue.
- Framed by using the "*whether...when*" format as follows:

« Whether [insert legal problem] when [insert facts from case]."

Example: "The issue in this case is *whether* there is a breach of contract *when* one of the parties to the contract fails to perform because a hurricane destroyed his machinery that makes the goods contracted for and no replacement machinery was reasonably available. »

### RULE

- These are the "rules of law" or "laws" that the court cites in the case opinion. Often these case citations or citations to statutes come from the attorneys who argue the case. They often appear in a case opinion like this: Jones v. Walker, 340 U.S. 32, 35 (1956). If they are statutes, they can appear like this: Fla. Stat. § 324.56(b) (2009). A rule of civil procedure would look like this: Fed. R. Civ. Pro. 12(h)(3) (2010).
- Not rules of law, but often cited in case opinions, are persuasive texts that courts use to help understand and illustrate some common law rules. Examples are American Jurisprudence, or CJS (Corpus Juris Secundum), or Restatements. These texts define rules of law in general, but are *not* authoritative texts the court *must* follow.

### ANALYSIS

- An account of the reasons leading to the court's holding (decision). An application of the facts to the law, often including a history of the law as it has developed, mentioning sometimes also previous cases and established principles of law
- Use phrases like "The court reasoned that..."

### CONCLUSION

- Also known as the court's "holding" or decision
- Includes the procedural posture, or where the case will go from here (reversed, remanded, etc.)
- Use phrases like "The court held that..." or "The court's holding was..."