

Briefing a case.

Obtain the case from Lexis/Nexis Academic Universe. Read it carefully. Written case briefs should be double-spaced, with one-inch margins, and should be approximately 1.5-2 pages in length. Do not cut and paste material from the actual opinion into your brief! Put it in your own words. Your brief should contain the following six headings:

1. Facts of the Case - A good brief will include a summary of the pertinent facts and legal points raised in the case. It will show the nature of the litigation, who sued whom, based on what occurrences, and what happened in the lower court or courts. The facts are often conveniently summarized at the beginning of the court's published opinion. The fact section of a good brief will include the following elements:

- A one or two sentence description of the nature of the case, to serve as an introduction.
- A summary of the **complaint** (in a civil case) plus relevant evidence and arguments presented in court to explain who did what to whom and why the lawsuit exists.

2. Issues - Phrase, in your own words, the legal question(s) the court has tried to answer in this case. Sometimes the issue is made very clear in the opinion (e.g., "This case presents the question. . .", "The issue in this case is . . .") but at other times it is not so obvious. Even when the issue is blatantly presented in the, phrase it in your own words. There are several reasons for this. First, court opinions often address several legal issues. Second, court opinions are often long, wordy, and filled with terms are often unfamiliar. As a result, putting the issue in your own words will help to understand it.

3. Rules - This section should include the law the court followed in reaching its decision. Don't just state the names of the cases or statutes the court used to resolve the problem, briefly explain them. Identify and discuss the relevant law, and briefly explain what the court used to decide the specific problem(s).

4. Analysis/Holding - What did the court decide concerning the legal issues at bar? (i.e., what was the court's holding). Why did the court reach the decision it did? Because judges often write many pages when justifying and explaining their decisions, this can be a difficult section to write. The doctrine of *stare decisis* requires judges to align their decision with legal principles established in previously decided cases. As a result, court opinions take considerable space to show how the current decision is consistent with the established principles. Your job is to state, as succinctly as possible, the rationale provided by the court's majority in support of their decision.

5. Conclusion - So, what happened as a result of the court's decision? You will find a specific disposition in the opinion. The three most common decisions are:

Affirmed - The appellate court agrees with the opinion of the lower court from which the appeal came.

Reversed - The appellate court disagrees with the opinion of the lower court from which the appeal came and sets aside or invalidates that opinion. Reversals are often accompanied by a remand.

Remanded - The case is sent back to the court from which it came for further action consistent with the appellate court opinion. Remand often accompanies a reversal.

6. Your Opinion

To help stimulate independent and creative thought, I want you to give me your opinion on the case. Did you agree with the court's decision? If so/not...explain why. What are the practical implications (think managing risk) that we (sport managers) can derive from this case?