Reading and digesting a judicial opinion (“case”) is like riding a bike or, for that matter, learning any skill -- the more often you do it, the more you improve.  And, once you learn how to do it, you never forget.  Unlike reading a newspaper or magazine article, reading a case requires you to do more than simply “scan” the text in order to grasp the content.  If you hope to understand the court’s opinion, you must dissect the text into its component parts.  Even the most experienced lawyer or law student must read an opinion several times before fully comprehending its meaning, so don’t expect to understand a case after a single reading.  Also, don’t get discouraged if you need to read a case (or portions of a case) over many times before feeling comfortable that you have grasped the salient points.

This process of dissecting and analyzing a case, referred to as “briefing” a case, can assist your analytical process and improve your skills in reading judicial opinions to maximize understanding.  In reading and analyzing cases assigned as required reading for this course, I recommend that you take notes and dissect each case into the following parts:

1. Facts - a brief summary of the facts central to the court’s holding.  Identify: who is suing who? What facts and circumstances lead the plaintiff to sue the defendant? What cause of action (legal claim) is the plaintiff bringing against the defendant?  What relief does the plaintiff seek?  What defenses/arguments is the defendant asserting to the claim(s)? ;

2. Procedural History – if the case is an appellate opinion (such as most of the assigned cases in this course), briefly summarize the decision of the lower court and the basis for the lower court’s decision.  If the case is a U.S. Supreme Court opinion, recognize that the opinion you are reading represents at least the third time that a court has issued a ruling in this case.  Be sure that you understand what the trial court (U.S. District Court) decided and why it decided the case that way.  Also, be sure that you understand what the appellate court (U.S. Circuit Court of Appeals) decided and why it decided the case that way;

3. Issue - a brief statement of the central issue decided by the court in this opinion;

4. Holding - a brief summary of the decision reached by the court on the central issue; and

5. Rationale - a statement of the reasoning relied on by the court in reaching its holding on the central issue.

By briefing cases in this fashion, you will improve your ability to analyze and understand a case.