

CRM 361 – Case Briefs

Each student will brief four court cases relating to anti-terrorism enforcement and prosecution. These briefs will focus on the assigned case and reflect on the course material, make application to “real-world” situations, and allow for a more thorough understanding of the complex legal issues involved in terrorism-related litigation and prosecution.

Briefs should be a minimum of two pages in length and conform to the case brief format provided below. Any references utilized in the brief should be listed on a separate “References” page in APA format. Briefs are due in Modules 1, 3, 5, and 7.

Sample Case Brief

Parties:

Bretons (Plaintiff) v. Central Pacific Supply Corporation (CPS) (Defendant)

Facts:

The Bretons are sought to cancel the Agreement of Sale of a leasehold interest and for damages. The Bretons alleged that CPS had breached the Agreement by defaulting on the payment due thereon and by vacating the premises.

Prior proceedings:

This case was originally brought before the Land Court of the City and County of Honolulu, State of Hawaii. The land court, after the trial, found in favor of the Bretons against CPS. Thereafter, CPS filed a motion to set aside the findings of fact, conclusions of law and judgment, and to set the matter for a jury trial. The land court denied the motion.

Issues presented or questions of law:

Does the land court have jurisdiction over the subject matter?

Arguments or objectives of the parties:

In answer to the Breton’s petition to cancel Agreement of Sale, one of CPS’s defenses was that the land court lacked jurisdiction over the subject matter. Therefore any judgment rendered is invalid.

Holding/rule of law:

“The land court is a court of limited jurisdiction, created for a special purpose, that of carrying into effect what is known as the Torrens title scheme, derives all of its power from the statutes relating to it, and can exercise no power not found within those statutes.” The Bretons’ petition and CPS’s counterclaim both are breach of contract actions over which the land court does not have jurisdiction. The judgment of the land court is void for lack of jurisdiction. The appeal is dismissed.

Rationale:

“The lack of jurisdiction over the subject matter cannot be waived by the parties.” If the parties do not raise the issue, a court will...” (continues).

Relation of case to the core value of *Integrity*:

This case relates to the core value of Integrity in regard to the failure of CPS to honor the Agreement of Sale per the terms of that agreement. The Bretons sought... (continues).

Grading Rubric

Exceptional corresponds to an A- to A (90-100). Performance is outstanding; significantly above the usual expectations.

Proficient corresponds to a grade of B- to B+ (80-89%). Skills and standards are at the level of expectation.

Basic corresponds to a C- to C+ (70-79%). Skills and standards are acceptable but improvements are needed to meet expectations well.

Novice corresponds to a D (60-69%). Performance is weak; the skills or standards are not sufficiently demonstrated at this time.

0 This criterion is missing or not in evidence.

Criteria	0	Novice 1	Basic 2	Proficient 3	Exceptional 4
Includes all relevant facts from the case					
Applies a connection to the core value of integrity, with appropriate analysis					
Clearly identifies and logically analyzes and discusses the case details					
Utilizes grammar, spelling, and syntax appropriate to the college level					
Typed in a double-spaced APA format with citations and references, as appropriate					
Total					20