READING AND BRIEFING
COURT OPINIONS

1) Before you Read
2) Reading strategies
3) Briefing strategies and example

BEFORE YOU READ
Before you read, you should be able to understand why parts of the case are important, what you are supposed to get from the cases and, as a result, why you have trouble understanding parts. Be strategic about how you are approaching the information.

Choose to read when you are most effective. If you are most productive during the morning, wake up early and read your cases early. If you are better in the evening, manage your studying schedule to allow you to read at night. If you need a break every 60 minutes, then take one. Be as effective and efficient as possible.

Setting a Goal:
Effective goal setting must:
1) Goal must be realistic
   a. If you can only study for two hours at a time before losing concentration, then schedule your reading in a realistic time setting. Don’t set impossible goals that will add stress - be realistic about your needs and skills.
2) Prioritize
   a. Set achievable standards- deciding to read all of your caseload on the weekends and then not having any time to do outlining is not effective. Make sure you are using your time wisely so that you have time to outline and do practice exams on a regular basis.

Develop knowledge about the subject of the case:
Have prior organized knowledge.
1) Get info from course syllabi and casebook table of contents and use as an outline
2) Get info from supplemental texts’ table of contents
   1) Use a hornbook to create a hierarchy before reading. Understand, for instance, that IIED fits into the larger heading of Intentional Torts Against a Person.
3) Get info from casebook topical introduction
   1) Even if it’s not assigned, it’s worth reading
4) Get info from the questions and notes following the case
   1) Read these questions prior to help the case become easier to understand and give guidance about key points
READING STRATEGIES

Overall Strategy:
Read the entire opinion once all the way through without making a mark on it, then read it in depth. Consistently monitor your understanding and comprehension. Adapt your strategy if either are lacking.

Engage:
1) Always ask yourself if you are understanding the material - ask yourself sentence by sentence or paragraph by paragraph. If your reading comprehension is lacking, try summarizing each paragraph after reading.
2) If necessary, use representation imagery to understand difficult aspects of opinions
   a. Ie: timeline, familial relationships
3) Pay close attention to the reasoning of the opinion - ask yourself WHY the court is ruling a certain way. What relevant details about the fact pattern are pertinent to the holding?

Self-Assess and Adapt:
1) After bringing in your briefs to class, determine if they were effective in helping you engage in the class discussion. If they were not, then adapt.
2) If there is an unfamiliar term or word, look it up immediately - do NOT ignore it
3) Read and understand word-by-word and sentence-by-sentence to make sure that you understand everything, including the big picture. If you are not, than you have to change your strategy.

Be an active reader:
4) Brief! Each and every case!
   1. Have a brief outline that breaks down the important parts - Issue, Rule, Analysis/Reasoning, Holding, Procedure. Make sure to book brief as you go - identifying these issues in the case itself.
   2. If you must, you may also book brief. This is marking the relevant I.R.A.C in the margins of the text as you read.

BRIEFING STRATEGY

Make everything exam prep
3. Brief in IRAC! (plus facts and dissent)
   i. Facts: know what transpired and how the parties ended up in the court that is issuing the opinion
      1. AVOID simply copying the wording and sequenced used by the court in stating the facts - write in your own words (be engaged!)
      2. Types of facts:
         a. operative facts: all events that transpired before court
            i. including: who, did what, to whom, when, and where
b. relevant facts: a fact in which the court based its decision on OR a reasonable person would have to know this fact in order to understand the court’s decision.

c. Procedural facts: facts relating to how the case moved through the legal system

ii. Issue: there may be more than one issue
   1. tips: look to see where the court focuses most of it’s attention – what is the crux of the court’s discussion
   2. What is the issue that the court is trying to solve?
   3. Will mostly be in the form of a question: example- Has contact been made when the D hit the car that the P was sitting in?

iii. Rule: keep it simple
   1. Make sure to have a concise and accurate rule statement
   2. At times, there may be more than one
   3. Be able to use the rule statement for other fact patterns (so do not make it too specific)

iv. Analysis: what relevant facts did the court apply to reach its holding
   1. Understand why you are including this- you are using the court’s rationale to apply it to future scenarios and hypos

v. Holding: How did the court decide?
   1. When A (the D) does B (the action) to C (the P), what happens?

Example of a *hypothetical* Brief :
(Note: in this example, the issue and law are fabricated and contracted for illustrative purposes)

**Morris v Kapowski- CA Supreme Court, 9th District- 2002**

Procedural History: trial crt held for P (inadequate contact), appeal court reversed (car intimately connected with D because he was inside car)

Facts: P and D, residents of Malibu, CA and dating for one year at the time of incident. On Valentine’s Day, D armed herself with a baseball bat and broke P’s car windows after a domestic dispute. D never made contact with P’s body or anything intimately connected with P’s body.

Issue: Did D commit battery on P when she broke D’s car windows with a baseball bat while he was inside? (Second issue): was the element of contact satisfied when D’s baseball bat made contact with P’s car while he was inside?

Rule: Battery is the intentional harmful or offensive contact with another.

Court’s analysis: Contact = direct or indirect.
   If indirect, then must be something “intimately connected” with the D’s body.
   Here, car was indirect contact because D was inside car and proximity to the broken windows during the act and satisfies the rule
   Court said that proximity to car is important- that P must have been inside at the time of the contact
**Conclusion/Holding**: Affirmed. D is liable of battery. Court ruled that being inside of a car that is being attacked, satisfied the element of “contact”

*Portions of this handout were adapted from “Expert Learning for Law Students” by Michael Hunter Schwartz*