

CRM 123 – How to Brief a Case

A case brief is a dissection of a judicial opinion. It contains a written summary of the basic components of that decision. Briefing a case helps you acquire the skills of case analysis and legal reasoning. It also helps you understand it. Briefs help you remember cases for class discussions and assignments. Learning law is a process of problem solving through legal reasoning; case briefs, therefore, should not be memorized. Below are examples and explanations of the components of a case brief.

1. Case Title and Citation

■ **Buckhannon Board and Care Home, Inc. v. West Virginia Department of Health and Human Services**

(Plaintiff Nursing Home) v. (Defendant State Entity) 532 U.S. 598 (2001)

Case titles generally take on the names of the parties involved in the case. For example, in this case *Buckhannon Board and Care Home, Inc. v. West Virginia Department of Health and Human Resources*, Buckhannon Board is the party asking the Court to reverse a lower court's holding; West Virginia Department of Health and Human Resources wants the Court to affirm that holding.

A *citation* acts as the case's "address." There is a standard format for cases contained in the United States Reports (abbreviated U.S. in case citations). Therefore, in this case, the citation is 532 U.S. 598. This means that this case is found on page 598 of the 532nd volume of the United States Reports.

2. Procedural History

■ **Procedural History**

The Court of Appeals affirmed the District Court's dismissal of the case and denial of attorney's fees. The Supreme Court affirmed. The *procedural history* (or posture) states how the case got to the court that wrote the opinion that you are reading.

3. Facts

■ **Facts**

Buckhannon Board and Care Home, Inc. ("Buckhannon"), which operates care homes that provide assisted living to its residents, failed an inspection by the West Virginia Office of the State Fire Marshall because some of the residents were incapable of "self-preservation" as defined under state law. On October 28, 1997, after receiving cease and desist orders requiring the closure of its residential care facilities within 30 days, Plaintiff, on behalf of itself and other similarly situated homes and residents brought suit in federal district court against the state of

West Virginia, two of its agencies, and 18 individuals. Plaintiff agreed to stay enforcement of the cease-and-desist orders pending resolution of the case and the parties began discovery. The district court granted West Virginia's motion to dismiss, finding that the 1998 legislation had eliminated the allegedly offensive provisions and that there was no indication that the Legislature would repeal the amendments. Buckhannon then moved for attorney's fees as the prevailing party.

This section includes a brief overview of the relevant *facts* of the case that (a) describe the dispute at hand and (b) have brought the case to this point. Basically, you should answer the questions of who did what to whom and why. The facts of the case are often presented at the outset of an opinion of the Court, although sometimes they may describe through the opinion. It is also important here to note the holdings of the lower court(s) (i.e., the legal history of the case) so that you understand the decision of the Supreme Court when it "reverses" or "affirms."

4. Issue

■ Issue

Is a prevailing party is entitled to attorney's fees in Federal court when the prevailing party did not receive a judgment on the merits, but only prevailed because the lawsuit brought about a voluntary change in the defendant's conduct.

In this section, you identify the legal *issue(s)* addressed by the court. The legal issues should refer specifically to the facts of the case, but you should not phrase the issues as purely factual questions. Issues may involve substantive law or procedural law.

5. Ruling and Reasoning

■ Ruling and Reasoning

(Rehnquist, J.) No. The Supreme Court of the United States affirmed the appeals court's ruling denying the motion for attorney's fees. Although attorney's fees may be granted to a prevailing party following a judgment on the merits, in addition to settlement agreements enforced through a consent decree, attorney's fees are not warranted where there has not been a judicial determination altering the legal position of the parties.

In the United States, parties are ordinarily required to bear their own attorney's fees so that the prevailing party is not entitled to collect from the loser. However, Congress has passed laws permitting the shifting of attorney's fees in numerous instances. In refusing to award attorney's fees in this instance, though, the court stressed that its decision was consistent with prior decisions refusing to award attorney's fees where the court issued a directed verdict against one party.

The *ruling and reasoning* section includes what this court ruled, or, how the court answered the question (theoretically, the court's application of the law to the fact of this specific case).

6. Dissenting or Concurring Opinion

■ Dissent

Justice Ginsberg dissented, in which he was joined by Justices Stevens, Souter, and Breyer. His dissent stressed that fee shifting should depend on the outcome of the case, i.e. whether the prevailing party received their desired outcome, regardless of whether or not a judicial decision existed to memorialize the outcome. Essentially, the dissent defined the term "prevailing party" in a practical sense, such clear that a party may be considered to have prevailed even when the legal action stops short of final judgment due to intervening mootness.

■ Concurrence

Justice Scalia concurred, in which he was joined by Justice Thomas. His concurrence focuses on the fact that a prevailing party cannot be one who left the courthouse empty-handed, i.e. one must have received a judicial determination to be considered a prevailing party.

On occasion, a case report will include a *dissenting opinion* that disagrees with the majority's ruling and reasoning. There may also be a *concurring opinion* that agrees with the majority's result but not its reasoning. If so, briefly state the main points of the disagreement.

(Case example obtained from <http://www.casebriefs.com>, retrieved April 18, 2012).