

CASE BRIEF TEMPLATE

Case Name & Citation (a.k.a Style of Cause):

	=> Use neutral citation if available
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Parties:

	=> Name of plaintiff & defendant (civil case), Crown & accused (criminal case) or appellant & respondent (appellate case)
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Facts:

	=> Summarize what happened in the case => Include legally relevant facts only => Legally relevant facts are those facts that are important to the outcome of the case => It might help to look at the court's reasoning (the more a court refers to a fact in reaching their decision, the more relevant it is) => You can also include any background facts that provide context or help the reader understand the relevant facts but avoid including irrelevant facts
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Procedural History:

	<p>=> If the case you're briefing is an appellate decision, you should include a section on procedural history</p> <p>=> Procedural history is what happened in lower courts that have heard the case already</p> <p>=> Include all levels of court that have previously heard the case</p> <p>=> Briefly explain how the case was decided in previous rulings and why that decision was made</p>
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Issues:

	<p>=> Should be in question format</p> <p>=> This is the legal question that the court is making a decision on</p> <p>=> Where appropriate, include sub-issues that are necessary to answer the main question</p>
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Holding:

	<p>=> The court's decision/conclusion i.e. the outcome of the case</p> <p>=> Include any orders that the court has made (remedy or action)</p>
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Reasoning:

	<p>=> The court's reasons for its decision</p> <p>=> Also usually called the "Analysis" section</p> <p>=> Describe how the court applied the law (the legal tests) to the specific facts of the case</p> <p>=> This will likely be the longest section of your case brief</p>
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Ratio:

	<p>=> The ratio or ratio decidendi is a Latin term that refers to the legal rule or principle that the court relied on to come to its decision</p> <p>=> The ratio of a case is binding on lower courts</p>
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Concurring or Dissenting Opinion:

	<p>=> A concurring opinion is the opinion of a judge or judges who agree with the majority's decision but came to that conclusion in a different way</p> <p>=> A dissenting opinion is the opinion of a judge or judges who disagree with both the majority's reasoning and their decision)</p> <p>=> Not every case will have a concurring or dissenting opinion, fill this section out only if the case you're briefing does</p> <p>=> Summarize the concurring and dissenting opinion (what decision was reached and how)</p>
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Obiter Dicta:

	<p>=> Another Latin term, obiter dicta refers to comments made by a judge "in passing" (this means it doesn't form part of the decision of the case)</p> <p>=> Unlike the ratio, obiter dicta is not binding on lower courts</p> <p>=> this part is usually optional and not required</p>
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