

I

ORIENTATION VIDEO LECTURE

CRITICAL CASE READING AND BRIEFING

1

2 AGENDA

- Anatomy of a case
- Intro to critical case reading
- Why to brief
- How to brief

2

3

CASES AND CASE READING

3

4 ANATOMY OF A CASE

- Case Caption
- Synopsis / Summary / Background / “Syllabus”
- Headnotes
- Attorneys
- Judge
- Opinion
- Concurring and Dissenting Opinions

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672 Pa. 404 ATLANTIC REPORTER, 2d SERIES

ly, it is clear that the legislature intended the counties and the state to share those costs not paid for by the person receiving the services (or those owing to him a legal duty to support) *except in those areas specifically relegated to the county by section 505 and to the state by section 507.*

I would therefore reverse.

Robert G. SINN and JoAnne Marie Sinn, Administrators of the Estate of Lisa Anne Sinn, Deceased, Deborah Frances Sinn, a Minor, by Robert G. Sinn, Her Natural Guardian, and JoAnne Marie Sinn

v.

Brad Lee BURD.

Appeal of JoAnne Marie SINN.
Supreme Court of Pennsylvania.
Argued March 5, 1979.
Decided July 11, 1979.
Reargument Denied Aug. 22, 1979.

Action was brought against driver of automobile, which struck and killed child, to recover under wrongful death and survival acts, to recover for psychological damages sustained by child's sister and to recover for damages sustained by child's mother due to emotional stress arising from fact that, while she was outside zone of danger of any physical injury to herself, she observed the

ages sustained due to mother's emotional stress, and appeal was taken. The Superior Court, No. 403 April Term, 1977, 253 Pa.Super. 627, 384 A.2d 1008, affirmed. After granting allocatur, the Supreme Court, No. 75 March Term, 1978, Nix, J., held that: (1) recovery of damages for negligently caused mental trauma suffered by bystander is not to be precluded merely on basis of fact that he was outside zone of danger of being struck by the negligent force, and (2) the count in question stated cause of action on which relief could be granted, in light of fact that such emotional distress on part of mother was a reasonably foreseeable injury.

Order reversed, and case remanded.

Eagen, C. J., specially concurred and filed opinion.

Larsen, J., concurred in result.

Roberts, J., dissented and filed opinion in which O'Brien, J., joined.

1. Pleading \approx 214(4, 5)
Conclusions of law and unjustified inferences are not admitted by preliminary objection in the nature of demurrer. (Per Nix, J., with one Justice concurring, one Justice specially concurring and one Justice concurring in result.)

2. Pleading \approx 193(5)
Demurrer is to be sustained only if complaint fails to set forth a cause of action. (Per Nix, J., with one Justice concurring, one Justice specially concurring and one Justice concurring in result.)

3. Appeal and Error \approx 852
In regard to reviewing propriety of an

This is how most cases will look in a reporter (the official print volume in which cases are published).

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6 This is how the same case would appear in one of the *legal research databases*. You will learn to locate the relevant information for a case in print and electronically.

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Sinn v. Burd
Supreme Court of Pennsylvania · July 11, 1979 · 486 Pa. 146 · 404 A.2d 672 (Approx. 27 pages)

Document Filings (0) Negative Treatment (0) History (2) Citing References (1,564) Table of Authorities Powered by KeyCite

486 Pa. 146
Supreme Court of Pennsylvania.

Robert G. SINN and JoAnne Marie Sinn, Administrators of the Estate of Lisa Anne Sinn, Deceased, Deborah Frances Sinn, a Minor, by Robert G. Sinn, Her Natural Guardian, and JoAnne Marie Sinn

v.

Brad Lee BURD.

Appeal of JoAnne Marie SINN.

July 11, 1979.
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Synopsis

Action was brought against driver of automobile, which struck and killed child, to recover under wrongful death and survival acts,

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CASE READING = CRITICAL READING

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- Read for a specific purpose
 - Doctrinal class: understand a specific concept or rule
 - Lawyering: understand the court's approach to a specific issue/issues, and begin to understand how that approach will affect your client's case
 - Don't read merely to get the gist of the case
 - Goal: understand detail and nuance
 - You should be able to walk someone else through the case after you have read and briefed it

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8 READING CASES FOR CLASS VS. READING CASES FOR LAWYERING (AND IN PRACTICE)

-
- Cases in casebooks are sometimes edited to highlight key points.
 - Lawyering class (and real-life legal research) typically requires you to read the full text of your cases.
 - To determine the impact each case will have on your client, you must identify and focus on the case material relevant to your client's issue(s).

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HOW SHOULD YOU READ A CASE?

- READ THE CASE MORE THAN ONCE
- First reading
 - Get context
 - Read for an overview; try to understand the path of the case and the big picture
- Second reading
 - Read closely and actively!
 - Take margin notes!
 - Prominently mark important info (e.g., rules, reasoning, holding)
 - Reduce dense passages to clear, concise statements

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10 FOLLOWING UP ON CRITICAL CASE READING

- Label your hard copies
 - Case name, court, year
 - Short description(s) of facts (use this later to refresh your memory)
- Brief the case
 - Maximize your understanding of the case from beginning to end
- Re-read the case after you brief and update brief, if necessary
 - Recursive learning: Briefing clarifies understanding

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II

THE BASICS OF BRIEFING

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I2 WHY BRIEF CASES?

- To help you understand the case better
- To prepare for class
- To prepare to use the cases in writing exercises and assignments
- To improve the speed at which you read and understand case material

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BRIEFING BUILDS SKILLS

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- Shortcuts to briefing will always be available.
 - Disadvantages
 - Is the source of the shortcut accurate?
 - Is the shortcut comprehensive enough to serve your purposes?
 - Will taking the shortcut allow you to develop your own skills?
 - As an incoming law student do not skip case briefing. Don't sacrifice long-term development for short-term convenience.

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ANATOMY OF A CASE BRIEF

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- Caption / Citation
 - Facts
 - Legally significant facts (significance may not be apparent until after a full reading of the case)
 - Procedural history
 - Issue(s)
 - Holdings
 - Explicit rules (stated directly in case in general terms)
 - Reasoning for holding
 - Implicit rules (rules that you can extract/infer from court's handling of the case)
 - [Concurrence, Dissent]
 - [Your own notes and questions]

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Section	Explanation
Caption/citation	At a minimum, case name, court, date. Some find it helpful to include brief description (e.g., “dog bite case”).
Facts	Legally significant facts and necessary background facts (often in chronological order)
Procedural History	Procedural background of the case (Who filed what? When? In which court? What did that court already find/do? What court is assessing the case now?)
Issue(s)	Question(s) before the court (in Lawyering, focus on the questions that are also present in your client’s case)
Holding(s)	Court’s fact-specific decision(s) on the issue(s)
Explicit Rule(s)	General statement(s) of the law governing the issue(s) in question
Reasoning for holding(s)	Rationale provided for each holding
Implicit rule(s)	Rules that the court does not state explicitly in its opinion, but that you can infer from the opinion. You may be able to generate a test or explain more specific sub-rules in general terms.
Other	Examples: Important dicta; summary of concurring/dissenting opinions; questions you have after reading the case

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16 INITIAL CLARIFICATION

- Rule vs. holding
 - Rule: a principle of general applicability
 - Example: For purposes of theft, a “taking” involves any carrying away of the property, no matter how slight.
 - Holding: specific resolution of the case you are reading
 - Example: The State provided sufficient evidence to prove that Mr. Remming “took” the car when he put it in gear and started backing out of the parking space, even though the police cars blocked his path before he could exit the lot.

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EXPLICIT V. IMPLICIT RULES

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- Explicit rules: directly stated by the court in the text of the opinion
 - Implicit rules: inferred by YOU, the reader, from the reasoning/outcome of the case
 - The text of the opinion is the raw material from which you can infer implicit rules.
 - You can only work with what you have! Some cases might allow you to infer one or more implicit rules. Other cases might allow you to infer none.
 - It can be easier to identify implicit rules when you know you will be using the case(s) for a specific purpose.
 - Do not stress if you struggle to identify implicit rules early in the semester. It gets easier.

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18 IMPLICIT / EXPLICIT RULE DEMO (NON-LEGAL CONTEXT)



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19 DAY ONE



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20 DAY TWO



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21 DAY 3



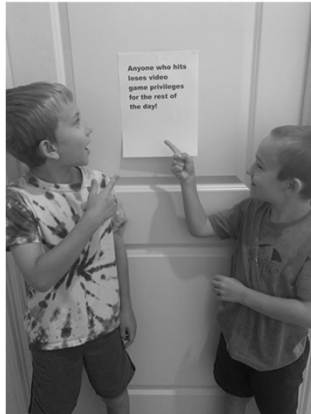
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22 DAY 4



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23 DAY 5: THE IMPLICIT RULE BECOMES EXPLICIT



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24 MUST I BRIEF THE CASE IN ORDER?

- No!
- You might identify some parts of the opinion more quickly than others; it's OK to brief those parts first.
 - Identifying legally significant facts may be easier after you have read the entire opinion.
 - You might identify relevant general rules after digesting the court's holding and fact-specific reasoning.
- After you finish briefing a case, review the earlier brief portions to identify possible additions/revisions.
 - Briefing clarifies understanding
 - Revised brief may get longer (as you find additional content to include) or shorter (as your understanding increases, you might be able to summarize more concisely)

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REMINDER: ACTIVE READING VIDEO

- Now, watch the video for the active reading demonstration of *State v. Seamons*

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