HOW TO READ A CASE

Julie Novkov
University at Albany, SUNY

You've probably done a lot of reading for courses by now, so you're experienced at extracting the main points from a complex reading assignment quickly and easily. Consciously or unconsciously, you probably do your reading by identifying the main point the author is making, identifying the arguments he uses to support his reasoning, and then evaluating how well the overall argument sits with you. This is a good technique to use for most reading assignments, but it won't enable you to get all of the information you need from a case.

When you read a case, you need to understand what the judge is ruling, of course, and to get the gist of the reasoning the judge uses to reach her decision. However, you also need to have a sense of how the case fits into the larger context of a line of doctrine on a particular issue. You will see several examples of this throughout the term. In order to do this successfully, you have to ask yourself a more complicated set of questions as you read the case.

Why is context so important in reading cases? First, cases are always in dialogue with each other. Most cases that produce the opinions we read deal with specific issues that have never been decided by the court that's considering them. For instance, a court may have decided a case in 1982 about what rules will govern search and seizure when an automobile is involved. When the court made these rulings, the judge(s) issued an opinion so that future judges in that jurisdiction would know how to handle later cases. If a future judge on the same level is deciding a case with the same basic facts, that judge is bound to follow the earlier <u>precedent</u>. This rule is the principle of *stare decisis*, or the idea that under normal circumstances, once an issue has been decided, it should not be revisited. If, however, the judge is deciding a case in 1997 addressing search and seizure involving RVs or campers, he may reasonably conclude that RVs or campers aren't enough like cars to warrant applying the same set of rules. A judge, when hearing a new case, <u>reasons by analogy</u>; in other words, she asks herself whether the facts in her case are similar enough to the facts in previous cases to warrant deciding her case in the same way. When you read a case, you need to think about into what line of precedent it may fit and about where temporally it may fit in that line.

Related to the concept of reasoning by analogy is the <u>law-fact distinction</u>. Facts are important because the ability to see connections between separate factual situations enables judges to claim that the same law applies in two different cases. Based on the facts, a judge generally will either <u>follow</u> a previous case (apply the same reasoning to a case he is currently deciding) or <u>distinguish</u> the previous case (explain why its reasoning doesn't apply to the case he is currently deciding). In the US system, appellate judges only rule on legal questions. The facts of a case are set at the trial court level. Thus, a convicted murderer may appeal based on questionable jury instructions or on the exclusion of evidence, but she can't argue on appeal that she did not commit the murder if a jury as found her to be guilty. Nonetheless, appellate courts can and do interpret facts and their meanings. For instance, the fact of racial segregation can underlie a legal ruling that the equal protection clause requires separate facilities to be equal or a ruling that

segregation itself violates the equal protection clause. A careful reader must monitor the way that the judges describe the facts and understand what legal effect the facts have in an opinion.

Third, the context of the case can tell you a lot about its general application. Later cases may modify rules set in earlier cases. Both the state and federal court systems have their own hierarchies; in the federal system, the district court is the trial court level, the circuit court handles intermediate appeals, and the US Supreme Court addresses the highest appellate cases. US Supreme Court decisions are binding on all federal courts, but circuit court decisions only apply within their geographic circuit (though judges in one circuit may read decisions made by other circuit courts and may even adopt another court's reasoning).

HOW TO READ A CASE

The following material provides you with some suggestions about how to get the most out of a case, both in terms of understanding the case itself and in terms of comprehending how it relates to other cases. I suggest six different levels of inquiry, though you may be able to develop a good grasp of cases using more or fewer groups of questions. If you can answer all of these questions, you can be assured that you have a thorough understanding of the case.

1.   *What is the background of the case?*

Here, you want to place the case in its proper context, which will enable you to understand its relationships to other cases more easily once you've read the case. To get a good grasp of the background, ask yourself the following questions:

- From where is the case? Is it a federal or state case? If it's a federal case, in what circuit was it decided?
- When was the case decided?
- At what level is the case? Is it a district court case, circuit court case, or Supreme Court case? (Many of the cases we'll be reading are Supreme Court cases – why is this significant?
- Are there any legal terms in the case that I don't understand?

2.   *What are the facts of the case?*

Here, you want to make sure you understand what is going on in the case. You need to have a thorough grasp of the facts of the case so that you can understand how the legal rulings apply. To get a good grasp of the facts, ask yourself the following questions:

- Who is the plaintiff? What did the plaintiff claim as his legal injury? What kind of remedy was he seeking from the court?
- Who is the defendant? What kind of defense did she present against the plaintiff's claims?
- What side did the court seem to find to be more convincing? Even if the court's explanation of the facts seems relatively neutral, can you identify points at which a close question of factual interpretation went one way or the other?

3. *What is the legal question in the case and how does the court answer it?*

This is the heart of your analysis. This question helps you to identify the case's <u>holding</u>, or the main principle for which future judges will follow or distinguish this case. To identify the holding, ask yourself the following questions:

- Around what legal questions does the court seem to be centering its analysis?
- What legal question is the key determining factor in the court's decision about the outcome of the case?
- How does the court answer this legal question? With a yes/no answer? Or with an elaborate test that it suggests for future courts to use? Something in between? Do the legal question and answer fit together convincingly?

4. *What reasoning supports the court's decision?*

This question pushes you to develop an understanding of the court's legal reasoning. The point of an opinion is for the court to explain why it has decided a case in a particular way. To understand the legal reasoning in the case, ask yourself the following questions:

- What, at bottom, does the case really seem to be about?
- What arguments does the court use to justify its answer to the legal question you've identified?
- What other cases does the court cite for support? Does it distinguish other cases? On what basis does it rely on some cases and distinguish others?

5. *Are there any separate opinions?*

If a panel of judges is deciding a case, the individual judges may not agree about the proper reasoning or outcome in the case. In most cases, the first opinion you read will be the <u>majority opinion</u> or <u>the opinion of the court</u> and will represent the views of the majority of the panel, producing binding precedent. A judge who agrees with the outcome but wishes to elaborate on her standpoint or clarify a disagreement she has with the reasoning will often write a <u>concurrence</u>, or <u>concurring opinion</u>. If the judge disagrees with the lead opinion's reasoning, she will "concur in the result (or judgment)." Occasionally, a panel of judges is unable to produce a majority opinion because they are divided over the reasons for an outcome that the majority supports. In this situation, the lead opinion is a <u>plurality opinion,</u> which has less value as precedent than a majority opinion for the court.

A judge who disagrees with the outcome in the case may write a <u>dissent</u>, or <u>dissenting opinion</u>, to explain his more substantial problems with the majority's opinion. A judge may also concur in part and dissent in part, writing to clarify her standpoint. If the Supreme Court divides evenly (for example, 4-4 because one justice was not sitting in a case), no opinion is written and the lower court's ruling is affirmed. If a court of appeals sitting en banc fractures badly, several different judges may write <u>separate opinions</u> and the case will set little or no binding precedent. To sort out these additional opinions, ask yourself the following questions:

- For concurrences, how is the concurring judge's view different from the majority's view? What facts or legal issues give rise to the disagreement?
- Also for concurrences, where are the areas of agreement? Why does the judge still agree with the outcome in the case?
- For dissents, does the dissenter interpret the facts the same way as the majority? Does the dissenter identify the legal question in the same way?
- Also for dissents, how does the dissenter's legal reasoning differ from that of the majority?
- Also for dissents, what responses does the dissenter have to the majority's reasoning? Does the majority address the dissenter's reasoning?

6. *How does the decision fit in with other cases?*

The final task for you once you've analyzed the case thoroughly is to figure out how the case fits in with other cases you have read. This will help you to get a sense of how legal doctrine develops and changes over time. To understand how the decision fits into a particular line of doctrine, ask yourself the following questions:

- In what way does this case address issues that I've seen before? Of what cases do the facts in this case remind me? Of what cases do the legal issues in this case remind me?
- To what extent does this case extend or modify legal reasoning that was employed in earlier cases? Can I tell a story about the development of case law in this area that takes into account changes in legal tests over time?
- What issues does this case leave unresolved? What kinds of questions do I expect to arise in the next case dealing with this doctrinal area?

Try to adjust these suggestions to suit your individual needs. For some people, the best way to use these guidelines, particularly at the beginning, will be to write out narrative answers to each question for the cases they read. Others will have more success by using different colors of highlighter pen to highlight important points in the cases. Still others will be most comfortable making notes in the margins of their books. A few of you may even be able to keep track of all of these things with mental notes, particularly if you've taken law-related courses in the past.

The most important advice I can give is to do the reading thoroughly, carefully, and completely. As these suggestions demonstrate, the topics we cover will often be cumulative; thus, you will need to have a good grasp of the early cases in order to have any hope of understanding later cases. In my experience in teaching law-related courses, I have found that people who get behind in the reading often struggle (i.e., fail) on writing assignments and examinations.

If you've never taken a law-related course before, and you're reading this with a sense of dread, don't worry! Once you've mastered these skills, you will find the reading to be much easier to handle. Don't forget that I am here in part to help you to acquire the ability to read cases effectively. Please don't hesitate to come to me if you find that you are having some difficulty in managing your reading load. Do come early in the term, before you get too far behind!