How to Brief Cases

To fully understand the law with respect to business, you need to be able to read and understand court decisions. To make this task easier, you can use a method of case analysis that is called briefing. There is a fairly standard procedure that you can follow when you “brief” any court case. You must first read the case opinion carefully. When you feel you understand the case, you can prepare a brief of it.

Although the format of the brief may vary, typically it will present the essentials of the case under headings such as the following:

1. **Citation.** Give the full citation for the case, including the name of the case, the date it was decided, and the court that decided it.

2. **Facts.** Briefly indicate (a) the reasons for the lawsuit; (b) the identity and arguments of the plaintiff(s) and defendant(s), respectively; and (c) the lower court’s decision—if appropriate.

3. **Issue.** Concisely phrase, in the form of a question, the essential issue before the court. (If more than one issue is involved, you may have two—or even more—questions here.)

4. **Decision.** Indicate here—with a “yes” or “no,” if possible—the court’s answer to the question (or questions) in the Issue section above.

5. **Reason.** Summarize as briefly as possible the reasons given by the court for its decision (or decisions) and the case or statutory law relied on by the court in arriving at its decision.

An Example of a Briefed Sample Court Case

As an example of the format used in briefing cases, we present here a briefed version of the sample court case that was presented in the Appendix to Chapter 1 in Exhibit 1A–3 on pages 28–30.

**FEHR v. ALGARD**

**FACTS** Cathy Algard owns Sterling Harbor Motel & Marina, Inc. (SHM). SHM sponsored the Sterling Harbor Duke of Fluke Tournament in Wildwood, New Jersey. Prizes included the “single heaviest fluke prize” for the contestant who caught the heaviest live flounder and the “five heaviest fluke prize” for the boat catching the five flounder with the greatest combined weight. On behalf of Edward Fehr’s boat, the *Gina Ariella*, Jack Aydelotte presented the heaviest live flounder. He also submitted five other fish for the five-fluke award. The judges ruled that two of the five flounder had not been caught during the contest and disqualified the *Gina Ariella*. Fehr filed a suit in a New Jersey state court against Algard, alleging breach of contract. The court issued a summary judgment in Fehr’s favor, crowned him the “Duke of Fluke,” and awarded him damages. Algard appealed.

**ISSUE** Can a contestant’s award be withheld if that person did not comply with all of the contest’s rules?

**DECISION** Yes. A state appellate court reversed the judgment of the lower court and remanded the case to give Algard an opportunity to prove that Aydelotte’s deception warranted disqualification of the *Gina Ariella*.

**REASON** The state appellate court explained that the tournament—like the offer of a prize in any contest—becomes a binding contract in favor of a contestant who complies with the rules. The question was whether Fehr complied and was therefore entitled to the award. Fehr argued that he presented the heaviest live flounder and Algard’s failure to award him the prize was a breach of contract. Algard pointed out that Aydelotte signed an entry form that proclaimed “anyone who is found to have provided false information is subject to immediate disqualification.”
The court stated, “The order of plaintiff’s submissions for prizes should not allow the first fish to be considered for an award, if, in fact, he then tried to weigh-in day old fish.” The court added, however, that “if the judges are found to have acted in bad faith and exceeded the rules in making a decision, plaintiff may prevail.”

Review of Sample Court Case

Next, we provide a review of the briefed version to indicate the kind of information that is contained in each section.

CITATION The name of the case is Fehr v. Algard. Fehr is the plaintiff, and Algard is the defendant. The Superior Court of New Jersey, Appellate Division, decided this case in 2011. The citation states that this case can be found in the online Westlaw database at 2011 WL 13670.

FACTS The Facts section identifies the plaintiff and the defendant, describes the events leading up to this suit, the allegations made by the plaintiff in the initial suit, and (because this case is a decision of a state intermediate appellate court) the lower court’s ruling and the party appealing. The appellant’s contention on appeal is also sometimes included here.

ISSUE The Issue section presents the central issue (or issues) decided by the court. In this case, the Superior Court of New Jersey, Appellate Division, considers whether a contestant who may not have complied with all of the rules of the contest can still receive an award.

DECISION The Decision section includes the court’s ruling on the issues before it. The decision reflects the opinion of the judge or justice hearing the case. Decisions by appellate courts are frequently phrased in reference to the lower court’s decision. That is, the appellate court may “affirm” the lower court’s ruling or “reverse” it. Here, the court determined that a contestant should not be considered for an award if he did not comply with all of the rules. The rules stated that a contestant would be disqualified for providing false information. On that basis, the contest judges could legitimately reject a contestant’s submission for an award. The appellate court reversed the ruling of the lower court, which had been in the contestant’s favor.

REASON The Reason section includes references to the relevant laws and legal principles that were applied in arriving at the conclusion in the case before the court. This section also explains the court’s application of the law to the facts in the case. In this case, the court applied the principles of contract law to the contract between the contest’s sponsors and the contestants.

Analyzing Case Problems

In addition to learning how to brief cases, students of business law and the legal environment also find it helpful to know how to analyze case problems. Part of the study of business law and the legal environment usually involves analyzing case problems, such as those included in selected chapters of this text.

For each case problem in this book, we provide the relevant background and facts of the lawsuit and the issue before the court. When you are assigned one of these problems, your job will be to determine how the court should decide the issue, and why. In other words, you will need to engage in legal analysis and reasoning. Here, we offer some suggestions on how to make this task less daunting. We begin by presenting a sample problem:

While Janet Lawson, a famous pianist, was shopping in Quality Market, she slipped and fell on a wet floor in one of the aisles. The floor had recently been mopped by one of the store’s employees, but there were no signs warning customers that the floor in that area was wet. As a result of the fall, Lawson injured her right arm and was unable to perform piano concerts for the next six months. Had she been able to perform the scheduled concerts, she would have earned approximately $60,000 over that period of time. Lawson sued Quality Market for this amount, plus another $10,000 in medical expenses. She claimed that the store’s failure to warn customers of the wet floor constituted negligence and therefore the market was liable for her injuries. Will the court agree with Lawson? Discuss.

Understand the Facts

This may sound obvious, but before you can analyze or apply the relevant law to a specific set of facts, you must have a clear understanding of those facts. In other words, you should read through the case problem carefully—more than once, if necessary—to make sure you understand the identity of the plaintiff(s) and defendant(s) and the progression of events that led to the lawsuit.

In the sample case problem just given, the identity of the parties is fairly obvious. Janet Lawson is the one bringing the suit—therefore, she is the plaintiff. She is bringing the suit against Quality Market, so it is the defendant. Some of the case problems you may work on have multiple plaintiffs or defendants. Often, it is helpful to use abbreviations for the parties. A plaintiff, for example, may be denoted by a pi symbol (π), and a defendant by a delta (Δ) or triangle.

The events leading to the lawsuit are also fairly straightforward. Lawson slipped and fell on a wet floor, and she contends that Quality Market should be liable for her injuries because it was negligent in not posting a sign warning customers of the wet floor.

When you are working on case problems, realize that the facts should be accepted as they are given. For example, in our sample problem, it should be accepted that the floor was wet and that there was no sign. In other words, avoid making conjectures, such as “Maybe the floor wasn’t too wet,” or “Maybe an employee was getting a sign to put up,” or “Maybe someone stole the sign.” Questioning the facts as they are presented will only create confusion in your analysis.

Legal Analysis and Reasoning

Once you understand the facts given in the case problem, you can begin to analyze the case. The IRAC method is a helpful tool to use in the legal analysis and reasoning process. IRAC is an acronym for Issue, Rule, Application, Conclusion. Applying
Appendix A
How to Brief Cases and Analyze Case Problems

1. First, you need to decide what legal issue is involved in the case. In our sample case, the basic issue is whether Quality Market’s failure to warn customers of the wet floor constituted negligence. As discussed in Chapter 5, negligence is a tort—a civil wrong. In a tort lawsuit, the plaintiff seeks to be compensated for another’s wrongful act. A defendant will be deemed negligent if he or she breached a duty of care owed to the plaintiff and the breach of that duty caused the plaintiff to suffer harm.

2. Once you have identified the issue, the next step is to determine what rule of law applies to the issue. To make this determination, carefully review the text of the chapter in which the relevant rule of law for the problem appears. Our sample case problem involves the tort of negligence, which is covered in Chapter 5. The applicable rule of law is the tort law principle that business owners owe a duty to exercise reasonable care to protect their customers (“business invitees”). Reasonable care, in this context, includes either removing— or warning customers of—foreseeable risks about which the owner knew or should have known. Business owners need not warn customers of “open and obvious” risks, however. If a business owner breaches this duty of care (fails to exercise the appropriate degree of care toward customers), and the breach of duty causes a customer to be injured, the business owner will be liable to the customer for the customer’s injuries.

3. The next—and usually the most difficult—step in analyzing case problems is the application of the relevant rule of law to the specific facts of the case you are studying. In our sample problem, applying the tort law principle just discussed presents few difficulties. An employee of the store had mopped the floor in the aisle where Lawson slipped and fell, but no sign was present indicating that the floor was wet. That a customer might fall on a wet floor is clearly a foreseeable risk. Therefore, the failure to warn customers about the wet floor was a breach of the duty of care owed by the business owner to the store’s customers.

4. Once you have completed Step 3 in the IRAC method, you should be ready to draw your conclusion. In our sample problem, Quality Market is liable to Lawson for her injuries because the market’s breach of its duty of care caused Lawson’s injuries.

The fact patterns in the case problems presented in this text are not always as simple as those in our sample problem. Often, for example, a case has more than one plaintiff or defendant. A case may also involve more than one issue and have more than one applicable rule of law. Furthermore, in some case problems the facts may indicate that the general rule of law should not apply. For example, suppose that a store employee advised Lawson not to walk on the floor in the aisle because it was wet, but Lawson decided to walk on it anyway. This fact could alter the outcome of the case because the store could then raise the defense of assumption of risk (see Chapter 5). Nonetheless, a careful review of the chapter should always provide you with the knowledge you need to analyze the problem thoroughly and arrive at accurate conclusions.