

## APPENDIX A

# How to Brief Cases and Analyze Case Problems



### 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 those listed below.

- 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 Brief 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 Exhibit 1A–3 on page 32.

#### BERGER v. CITY OF SEATTLE

United States Court of Appeals,  
Ninth Circuit, 2008.  
512 F.3d 582.

**FACTS** The Seattle Center is an entertainment “zone” in downtown Seattle, Washington, that attracts nearly ten million tourists each year. The center encompasses theaters, arenas, museums, exhibition halls, conference rooms, outdoor stadiums, and restaurants, and features street performers. Under the authority of the city, the center’s director issued rules in 2002 to address safety concerns and other matters. Among other things, street performers were required to obtain permits and wear badges. After members of the public filed numerous complaints of threatening behavior by street performer and balloon artist Michael Berger, Seattle Center staff cited Berger for several rules violations. He filed a suit in a federal district court against the city and others, alleging, in part, that the rules violated his free speech rights under the First Amendment to the U.S. Constitution. The court issued a judgment in the plaintiff’s favor. The city appealed to the U.S. Court of Appeals for the Ninth Circuit.

**ISSUE** Did the rules issued by the Seattle Center under the city’s authority meet the requirements for valid restrictions on speech under the First Amendment?

**DECISION** Yes. The U.S. Court of Appeals for the Ninth Circuit reversed the decision of the lower court and remanded the case for further proceedings. “Such content neutral and narrowly tailored rules \* \* \* must be upheld.”

**REASON** The court concluded first that the rules requiring permits and badges were “content neutral.” Time, place, and manner restrictions do not violate the First Amendment if they burden all expression equally and do not allow officials to treat different messages differently. In this case, the rules met this test and thus did not discriminate based on content. The court also concluded that the rules were “narrowly tailored” to “promote a substantial government interest that would be achieved less effectively” otherwise. With the rules, the city was trying to “reduce territorial disputes among performers, deter patron harassment, and facilitate the identification and apprehension of offending performers.” This was pursuant to the valid governmental objective of protecting the safety and convenience of the other performers and the public generally. The public’s complaints about Berger and others showed that unregulated street performances posed a threat to these interests. The court was “satisfied that the city’s permit scheme was designed to further valid governmental objectives.”

## Review of Sample Court Case

Here, 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 *Berger v. City of Seattle*. Berger is the plaintiff; the City of Seattle is the defendant. The U.S. Court of Appeals for the Ninth Circuit decided this case in 2008. The citation states that this case can be found in volume 512 of the *Federal Reporter, Third Series*, on page 582.

**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 an appellate court decision) the lower court’s ruling and the party appealing. The party appealing’s argument 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 U.S. Court of Appeals for the Ninth Circuit considered whether certain rules imposed on street performers by local government authorities satisfied the requirements for valid restrictions on speech under the First Amendment to the U.S. Constitution.

**DECISION** The *Decision* section includes the court’s decision 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. In other words, the appellate court may “affirm” the lower court’s ruling or “reverse” it. Here, the court determined that Seattle’s rules were “content neutral” and “narrowly tailored” to “promote a substantial government interest that would otherwise be achieved less effectively.” The court found in favor of the city and reversed the lower court’s ruling in the plaintiff’s (Berger’s) favor.

**REASON** The *Reason* section includes references to the relevant laws and legal principles that the court applied in coming to its conclusion in the case. The relevant law in the *Berger* case included the requirements under the First Amendment for evaluating the purpose and effect of government regulation with respect to expression. This section also explains the court’s application of the law to the facts in this case.

## 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 this text at the end of each chapter.

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 clearly understand 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) in the case 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. Quality Market, against whom she is bringing the suit, 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. To indicate a reference to a plaintiff, for example, the *pi* symbol— $\pi$ —is often used, and a defendant is denoted by a *delta*— $\Delta$ —a 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 only adds confusion to your analysis.

## Legal Analysis and Reasoning

Once you understand the facts given in the case problem, you can begin to analyze the case. Recall from Chapter 1 that 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 this method to our sample problem would involve the following steps:

- 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 12, 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, you will want to review carefully 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 4. 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 presented 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 4). 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.