

## Case Brief Initial Draft: Errors to be Corrected

### 1. Facts of the Case:

- In the case of an appeal, the facts are missing *essential aspects of the trial*.
  - In the case of an appeal, the facts are missing the *trial outcome*.
  - In the case of an appeal, the facts are missing the *grounds for appeal*.
  - "Issues" are included in the "Facts" section.
  - Aspects of the "Ratio" are included in the "Facts" section.
  - The "Holding" is included in the "Facts" section.
  - Aspects of the student's analysis have been included in the "Facts" section.
  - Facts have not been presented in chronological order.
  - Essential facts of the case - particularly those facts bearing upon or leading up to the issues – are missing or misrepresented. (See below.)
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### 2. Issue(s):

- Facts of the case are mixed in with the issues.
  - In the case of an appeal, *trial* issues are included with *appeal* court issues.
  - Incorrect issues have been included.
  - Not all of the actual issues are included.
  - Issues have not been worded in the form of concise questions.
  - Ratio has been mixed in with the issues.
  - One or more issues have been misunderstood. (See below.)
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### 3. Ratio Dicidendi:

- The ratio does not address all of the issues raised by the case.
  - The ratio does not address the issues in the same order as they were listed in the "Issues" section.
  - One or more of the issues addressed does not begin by stating or summarizing the issue.
  - One or more of the issues addressed does not include a final decision. (Ex. "*For this reason, these grounds fail.*")
  - Aspects of the student "analysis" are mixed with the judge's ratio.
  - One or more aspects of the judge's reasoning has been misunderstood or poorly explained. (See below.)
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### 4. Court Holding:

- The final decision of the court is not presented.
- The final decision of the court has been misunderstood.
- Aspects of the ratio have been mixed with the holding.
- In the case of an appeal, the *trial* outcome has been confused with the *appeal* outcome.

### 5. Analysis:

- The student has failed to evaluate the significance of the case, its relationship to other cases, its place in history, or what it shows about the Court and the judicial process.
  - The student has failed to probe the implicit assumptions and values of the judge (judges).
  - The "rightness" of the decision is not debated, and the logic of the reasoning is not considered.
  - Previous precedents reinforced by this case have not been identified.
  - Original precedents established by this case have not been identified.
  - The student has simply presented a summary of what has already been stated elsewhere in the brief.
  - The student has failed to focus the analysis on the actual issues addressed by the case.
  - In the case of an appeal, the student focused on the original trial issues instead of the appeal issues.
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*The above statements are all describing errors that need to be fixed. These statements are not describing how to make the corrections. For example, where I say "Issues" are included in the "Facts" section," I am pointing out that it is incorrect to include issues within the facts; I am not suggesting that issues should be included with the facts.*