Chapter 2: Reading Cases

You are going to spend much of your time in law school reading cases. You will read to prepare for class, to research for papers, and to enhance your understanding of legal theory. An essential part of reading cases is breaking down a case into its pieces. By dissecting cases and understanding their parts, you will be equipped to create rules, analogize and distinguish cases, and predict and advocate for outcomes in factual scenarios. You will also detect patterns in judicial reasoning and see legal theory put into practice.

When you read a case, you should read with the goal of pulling information from the text. Ask yourself as you read what facts are relevant, what legal arguments are made, and how the facts and the legal arguments fit together. Determine what reasoning the court uses to reach its conclusion and see how the relevant facts and legal arguments fit into that reasoning. If you read passively, just scanning your eyes across the page and failing to engage with what you are reading, then you are wasting your time.

Below are definitions of the parts of a case to help you locate difference pieces and to understand each component’s role. I have placed them in the order in which you will typically encounter each one while reading an opinion. Be forewarned, however, that there is never a guarantee that each piece will be found in the same place every time. Judicial writing can, at times, leave a lot to be desired in terms of structure.

After you read a case, you will then want to record what you discovered through reading the case. This process is called briefing a case and it will be discussed in the next chapter. As you get to know your professors and what they focus on in class, you might need to shift your reading strategies to ensure you pull out the details that your professor emphasizes.

**Caption:** Also known as the header; tells you who the parties are in the case, which court the opinion comes from, the date the opinion was issued, and what the case citation is.

**Citation:** A citation is a unique set of numbers and letters that is assigned to that particular case. Think of it like a barcode. A citation for a case typically comes in this format: ### XXX ####. Back when you had to look up cases in bound book volumes, the XXX would tell you which reporter to look for the case in, and the numbers told you what volume of the case would be and page number the case would be. For instance, if a case citation was 123 S.E.2d 456, then that would mean you should look for the case in the 123rd volume of the second series of the Southeastern Reporter on page 456. You will learn more about this when learning how to “Bluebook.” Don’t let the upperclassmen fool you. The Bluebook is NOT scary. Once you get the knack of it, plan to tab some commonly used pages and make this dense piece of citation guidance much more approachable.

**Facts, Substantive:** Facts that the court has decided are relevant or material to its decision-making process. These facts usually include who the parties are, their relationship to each other, and facts that show what the legal dispute is about. A good, quick way to decide if a fact is relevant is to see if it answers part of the issue presented in some way. If the case is about whether there was a signed agreement, then facts surrounding a written document and signatures on the paper will likely be material. Whether the ink used to sign was pink will likely not be material.

**Facts, procedural:** Facts surrounding how the legal dispute got from its start to where it is now. These facts usually include when the harm occurred, when the lawsuit was filed, and what type of proceedings occurred before the court heard the case.

**Issue:** What the legal dispute is about. The issue may be presented in question form asking about what the outcome is when the legal rule is applied to the material facts. Identifying the issue makes following the legal arguments, reasoning, and holding easier because you will see what question the court has decided it needs to answer.

**Rule Statement/Rule of Law:** The legal rule, either from a statute, case, regulation, or some combination, that the court will use to address the legal question.

**Standard of Review:** This will tell you how much deference the appellate court must give the lower court’s decision. We will spend more time on how to use a standard of review when we write briefs.

**Reasoning:** Also called rationale or application. The reasoning usually makes up the bulk of the opinion and is where the court “shows its work,” or explains what sources of law and policy it used to reach the answer to the legal issue. In its reasoning, a court can use statutes, case law, other primary authorities, other secondary authorities, or public policy to support its thought process. If a court is going to rely on precedent or stare decisis, a court will show the precedent on which it is relying and explain why.

**Holding:** Outcome of the case when the legal rule is applied to the facts of the case. This outcome can serve as precedent in future cases. While this sounds simple, sometimes locating what the court has held can be challenging. “A holding consists of those propositions along the chosen decisions path or paths of reasoning that (1) are actually decided, (2) are based upon the facts of the case, and (3) lead to the judgment. If not a holding, a proposition stated in a case counts as dicta.” Michael Abramowicz and Maxwell Stearns, Defining Dicta, 57 Stan. L. Rev. 953, 1065 (March 2005).

**Dicta:** Anything else that is in the case other than the holding. Dicta does not have any precedential value. It can help you understand why the court made the holding that it did. Sometimes, people will argue over whether something is dicta or a holding. ”Statements narrowly tailored to the facts have greater constraining force and approach the status of binding holding. Broader or more general statements have less constraining force and tend to approach dicta.” Andrew C. Michaels, The Holding-Dictum Spectrum, 70 Ark. L. Rev. 661, 664 (2017).

**Disposition:** The procedural outcome of the case. Cases can be **affirmed** (higher court says lower court got it right), **reversed** (higher court says lower court got it wrong and higher court is replacing lower court’s judgment with its own), **vacated** (judgment of the lower court is voided but not replaced with higher court’s judgment), or **remanded** (higher court sends the case back to the lower court to make a new decision in light of higher court’s decision). A case that is vacated will usually also be remanded. Cases can be **affirmed in part and reversed in part** (higher court says lower court got part of it right and part of it wrong).

**Opinion, majority:** Opinion that states the outcome that is controlling in the case. The holding in this case is the one that determines the legal dispute and that can be used as precedent in the future.

**Opinion, concurring**: Opinion in which the author agrees with the holding of the case but not with the reasoning that the majority used. If a casebook includes a concurring opinion, read it carefully because it is likely presenting a nuance in the law that your professor will want to discuss

**Opinion, dissenting:** Opinion in which the author does not agree with the holding of the case and wants to explain why the majority is wrong. If a casebook includes a dissenting opinion, read it carefully because it is likely presenting a counterpoint to the holding in the majority opinion that your professor will want to discuss.

**Footnotes or Endnotes:** Case citations or substantive comments that the author did not place in the main body of the opinion but that relate to the portion of the case where the footnote or endnote is flagged. You should always read the footnotes. If the author felt strongly enough about what is in the footnote to take the time to format the document to add the footnote, it is important. Further, when you see a footnote or endnote included for a case in one of your textbooks, you absolutely should read the footnote or endnote, because not only did the author of the opinion include it, but the textbook author also independently decided it was important

# Conclusion

By practicing categorizing the different parts of a case as you read, you will be preparing yourself to brief cases and also how to locate the different components you will want to use for your legal analysis.