

International Law

How to Brief a Case
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Use the following guide in analyzing at least one case from each category in the List of Cases (total of six cases).

- I. Name or title of the Case (with date/court where pertinent)
- II. Facts or Situation
 - a. Name of court, commissioner, arbitrator, or decision agent; date
 - b. Concise statement of events/circumstances; lower court decisions
 - c. Plaintiff (appellant) and claimed wrong
 - d. Defendant (appellee) and arguments in defense
- III. Question(s) or Issue(s) on which case turned
 - a. What is the issue or question in terms of international law?
 - b. Use ONE sentence per question; cases usually contain several
- IV. Decision (Court's finding; its answer to question; vote if pertinent)
 - a. Follow this with a concise statement of the court's reasoning in reaching this decision; use the finding's logic
 - b. Note dissent that clarifies majority position or oversights
- V. Principles.
 - a. List IL points in this case
 - b. Most important rule(s) of law the case illustrates/proves (in bold)
 - c. Cite specific rules and general principles this decision illustrates; tax your creativity but remain logical
 - d. Use ONE sentence per principle
- VI. Conclusion (Analysis and Notes)
 - a. Show where this case fits in the study of International Law; play the publicist. For example, you cited general principle "X," weigh this case's impact on principle "X" and on principles the case seems to contradict. Has subsequent law built on this case? Was this case a turning point? Or has law gone another direction? Was this case the zenith of this principle? Is the case reliable now or is it "history"? Etc....
- VII. Bibliography (Specific aids you used in briefing this case; include page numbers)

While other briefing styles exist, use this one. To help you get the most from your briefs, please note the following:

1. Briefing helps you grasp the *essentials* of a case and the law. Doing a brief is essential to understanding cases well enough to use that understanding in class and examinations. A brief is a device to help you later recapture the material. You must capture before you can recapture.
2. Do not begin briefing a case until you understand it, until you have reread it and a number of publicists' evaluations of it. This is very important! You must know the important particulars of the case on a *visceral* level before you can relay them to paper.
3. Write a *brief*. Most cases will fit on a page or two—single-spaced.
4. Use your own words, not the justices'; you will remember them longer.
5. Use appropriate reference materials to help you understand the case. Find references and discussion of a case in relation to as many points of International Law as possible.
6. For an ICJ case, you need to read the pertinent ICJ Report (Alumni Library and online at the ICJ site: <http://www.icj-cij.org/>).
7. Become familiar enough with the range of casebooks available that you know which half dozen you like best—use them. Do not try to rely on one or two casebooks only. You will miss important points. Slomanson can help, but other sources offer more help.
8. Always consult the American Journal of International Law (Alumni Library and JSTOR) for helpful commentaries and reviews.
9. Before you start writing the case to brief, email me to determine if the case is still available and if it is appropriate for the topic.
10. Of course follow the style sheet when writing your case brief. However, you are allowed to *single-space* your briefs if you would like.
11. When you turn these in to me, you will hand in a hard copy by the due date. You will also email a copy of the brief to me, also by the due date. The filename for the brief will be your username followed by 'brief' and the brief number (followed by .rtf or .doc, depending). For instance, my third brief would have the filename oj38491brief3.doc.
12. On the due date, I will turn each brief into an Adobe pdf file and post it to the website for all to see and utilize.