

## International Law

How to Brief a Case

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This is the structure for the case briefs you will write for this course. Make sure you format this brief correctly. Refer to the course style sheet for specifics.

- 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, claimant) and claimed wrong
  - d. Defendant (appellee, respondent) and arguments in defense
- III Question(s) or Issue(s) on which case turned  
What are the issues or questions in terms of International Law?  
Use ONE sentence per question; cases usually contain several
- IV Decision (Court's finding; its answer to question; the vote if pertinent)  
Follow this with a concise statement of the court's reasoning in reaching this decision; use the finding's logic  
Note dissent that clarifies majority position or oversights
- V Principles.  
List International Law points in this case  
Most important rule(s) of law that the case illustrates/proves (in **bold**)  
Cite specific rules and general principles this decision illustrates; tax your creativity but remain logical  
Use ONE sentence per principle
- VI Conclusion (Analysis and Notes)  
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 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 (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. If you do not go outside the textbook and case, you should not expect an excellent grade.
8. Always consult the *American Journal of International Law* (at the library and on JSTOR) for helpful commentaries and reviews.
9. Before you start writing the case to brief, email me for approval of the case .
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 start of class on the due date. You will also email a copy of the brief to me, also by start of class on the due date. The filename for the brief will be your username followed by the word 'brief' and the brief number (followed by .rtf or .doc, depending). For instance, my third brief would have the filename **ojforsbergbrief3.rtf**.
12. On the due date, I will turn each brief into a pdf file and post it to the website for all to see and utilize. All will be responsible for the information on the case brief.
13. On the day the briefs are due, expect to present and answer questions about your case.