

# Case Briefs in Legal English Classes



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# OUTLINE

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- case briefs in law
- case briefs in legal English
- example of one complex activity
  - description
  - students' work
  - teacher's work
- conclusion



# Case Brief

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a written document which outlines and condenses a legal case, or a legal opinion. The case brief is sometimes described as a way to take notes, but the brief has a more formal format. Primarily, the case brief is utilized in the classroom setting by law students, but the format can be also carried over into real-world practice by lawyers and judges.

<http://study.com/academy/lesson/what-is-a-case-brief-definition-format-examples.html>



# Case briefs in the real world

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“... most lawyers rarely actually brief cases in practice... it is because reading cases encouraged by case briefing techniques has for them already become second nature.” (R.N.Clinton)



# Case briefs in law studies

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“...the goal for the students is the same – to learn how to focus on the important part of the case in order to obtain a thorough understanding of the case and its reasoning.” (P.D.Asfour)



# Case briefs in law studies

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Reading case decisions is confusing for new readers: “The case decisions are confusing, difficult to read, not written in ‘English’, and hard to understand.”

“Instructors should therefore aim to guide students through the reading of cases...” (M. Morgan-Thomas)



# Case briefs in law studies

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“... the case brief preparation exercise is a multi-purpose pedagogical tool effective for fostering students’ critical reading and critical thinking abilities, while concurrently teaching course content.”  
(M. Morgan-Thomas)

# Case briefs in legal English classes

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It is difficult to case brief even for native law students... How can we use them?

A “light” version = easier work for students, harder work for teachers

[Example of case decision](#)

[Full text and Abstract](#)





# Case brief activity

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TOPIC: Sale of Goods, 3<sup>rd</sup> semester

INITIAL MATERIAL: "red" ILEC book  
("shrink-wrap contracts")

LANGUAGE SKILLS: listening, reading,  
speaking, writing

OTHER SKILLS: team work, presenting,  
evaluating/reviewing, critical thinking

VOCABULARY in the "real" context



# Case brief activity

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1. What is a case brief?
2. Case brief structure
3. ILEC Listening *ProCD, Inc. v. Matthew Zeidenberg and Silken Mountain Web Sites* – fill in details of the brief
4. Vocabulary consolidation
5. Presentation skills
6. Text for case briefing – individual work -> team work
7. Team presentations–evaluation (Which is the best?)
8. Audio homework – individual presentations – peer reviewing (oral or written)
9. Vocabulary reinforcement



# Introduction

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## 1. What is a case brief?

*what is a case brief? who prepares them?  
why? expected vocabulary ...*

## 2. Case brief structure

1 name of the case	a) a summary of the relevant facts, the nature of the litigation, what happened in the lower court(s)
2 facts of the case	b) the chain of arguments which led the judges to rule as they did
3 legal issues	c) who is opposing whom, with the name of the party who initiated legal action appearing first
4 holdings	d) ...
5 reasoning	



# Sample case brief

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ILEC listening

Name of the case: *ProCD, Inc. v. Matthew Zeidenberg and Silken Mountain Web Sites*

Facts:

Legal issue(s):

Holdings/Decisions:

Reasoning of the court:



# Vocabulary consolidation

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gap-fill: summary of the case

useful phrases (for case briefing) - ILEC



# Summary of the case

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The \_\_\_\_\_, ProCD, produced the CD-ROM product Select Phone. It is a listing of over 95 million telephone numbers and addresses, combined with search and retrieval software. The \_\_\_\_\_, Mr Zeidenberg, purchased copies of Select Phone, but decided to ignore the licence.

Pro CD sued, alleging \_\_\_\_\_ of express terms of the shrink-wrap licence agreement. The main \_\_\_\_\_ raised by the case is whether a shrink-wrap licence constitutes an \_\_\_\_\_ sales contract.

In the first instance, the District Court decided \_\_\_\_\_ of the defendant. It \_\_\_\_\_ that Zeidenberg had no opportunity to disagree with or negotiate the terms of the licence agreement because they were inside the box.

Then the case went to \_\_\_\_\_...

# Useful phrases – case brief

## structure

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- i) The court pointed out/noted that ... 5 reasoning
- ii) John B. sued ... 2 summary of the facts
- iii) The question before the court is whether...3 legal issues
- iv) The court reversed the ruling of the first instance.4 holding
- v) The court drew the conclusion that ... 5 reasoning
- vi) The court upheld/affirmed the decision of the lower court. 4 holding
- vii) The issue in this case is ... 3 legal issues
- viii) The case involves the following circumstances...2summary
- ix) The court remanded the case back to the lower court for further proceedings. 4 holding



# Presentation skills

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Analysing ILEC recording - useful phrases

- introduction
- signalling

Individual X Team Presentations

- dividing the content appropriately
- making transitions, passing words, ...

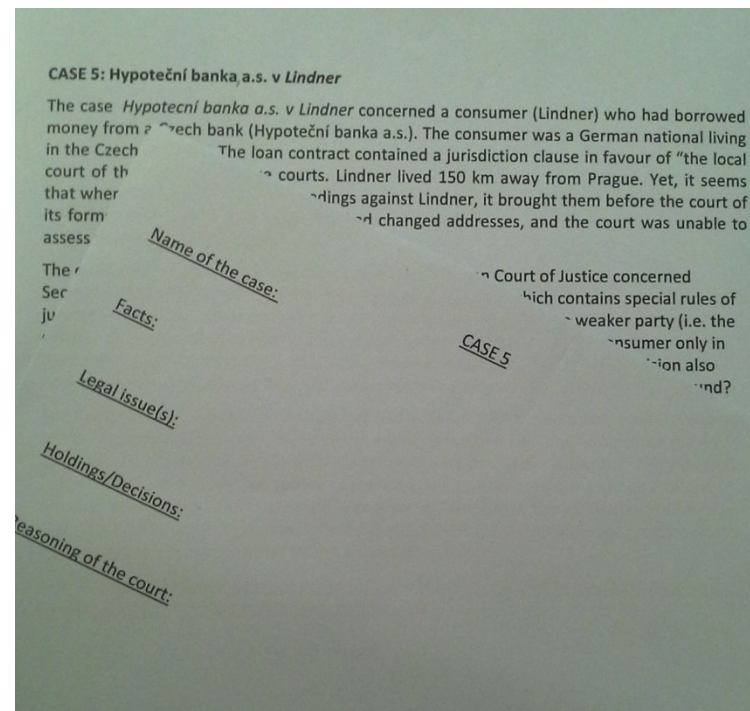
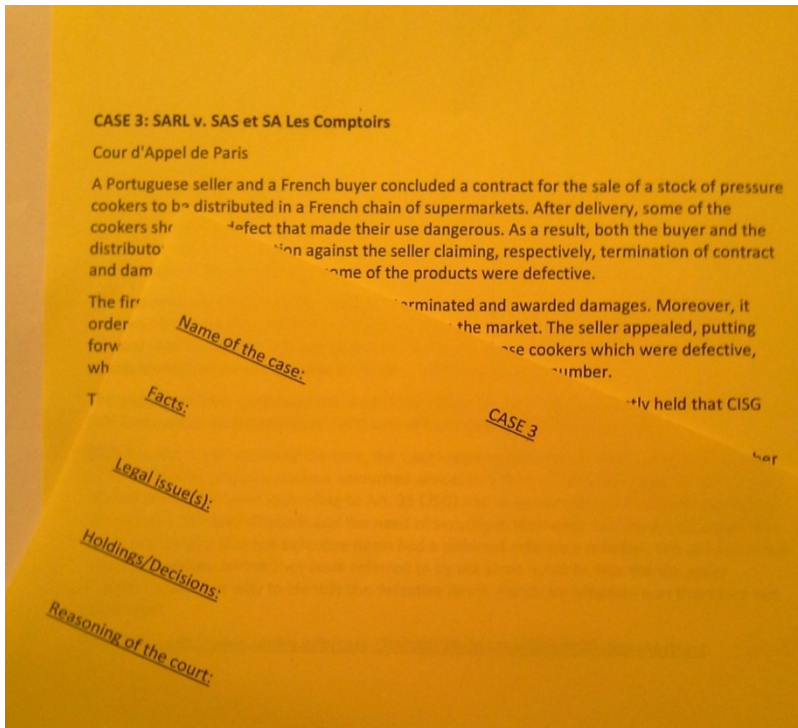


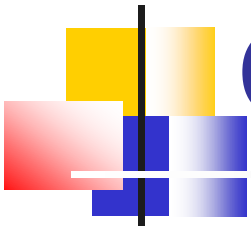


# Preparing a case brief

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Individual work – read the text + prepare a brief (T monitoring – legal issue!)





# Group work (3 – 4 students)

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compare your briefs -> present as a team  
evaluation -> the best presentation

	structure	language	delivery
Case 1			
Case 2			
Case 3			
Case 4			
Case 5			
Case 6			

*The best case brief presentation:*

# Audio homework+peer review (individual work)

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1. upload audio file: recorded case brief  
(sale of goods, 2-3 minutes)
2. review two briefs (audio or written)

[Example – audio](#)

[Examples - reviews](#)



# Vocabulary reinforcement

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nice chunks of language in the texts

-> rich source for many exercises:

matching, gap-fills, prepositions, looking  
for collocations, ...



# Teacher – preparing the cases (time consuming)

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- Find and choose cases  
(varied: EN, US, EU, CZ -> terminology: claimant X plaintiff, appellate court allowed/dismissed X appellate court affirmed/reversed,  
**EU**: appellate court: allowed/affirmed/agreed with/reversed/dismissed/rejected)
- Compile/Simplify cases (app. 300 words long) – eliminating details and weird vocabulary, ...



# Useful links

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<http://curia.europa.eu/> Court of Justice of the EU

<http://www.bailii.org/> - British and Irish Legal Information Institute

<http://law.justia.com/cases/> - U.S. Case Law

<http://www.unilex.info/> - International Case Law

<http://cisgw3.law.pace.edu/> ,

<http://www.uncitral.org/clout/index.jsp> - CISG database,  
UNCITRAL texts

<http://conflictoflaws.net/> - News and Views in Private International  
Law

<http://europeanlawblog.eu/> - News and comments on EU Law

<http://www.lexology.com/> - articles on courts decisions (US and  
related)

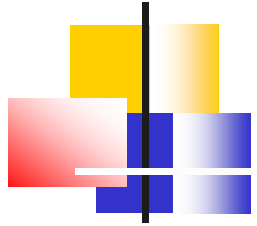


# Conclusion

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Case Brief Activity - students involved

- real cases increase interest & motivation
- a lot of language practice with active use of legal vocabulary
- practicing critical thinking (legal issue – reasoning)
- practicing presentation skills (given framework)



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**Thank you for your attention.**

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