

Orientation Module 2: How to Read and Brief Cases

Terminology List

appellant: party bringing an appeal in a case; in some jurisdictions known as the petitioner

appellee: party arguing against an appeal in a case; in some jurisdictions known as the respondent

case brief: a law student's notes about a case, created in preparation for class

case caption: information about a case found at the beginning of the case, including the case name, citation, court, and date of the decision

concurring opinion: court opinion in which the judge agrees with the holding of the majority opinion but does not agree with the reasoning; also known as a concurrence

defendant: in a civil lawsuit, the party against whom the plaintiff brings the complaint; in a criminal case, the person accused of violating a criminal law

dissenting opinion: court opinion in which the judge disagrees with the holding and reasoning of the majority opinion; also known as a dissent

disposition: what a court does at the end of a case as a result of its holding; also known as the judgment

en banc: a situation where all judges in an intermediate appellate jurisdiction consider the merits of a case rather than just a panel of three judges

facts: information describing what has happened that has led to the parties being in court; can include three basic types:

- **necessary facts (also known as material or determinative facts):** facts that the court relied upon in resolving the legal issues that were raised in the case
- **contextual facts:** facts that are not essential to the court's decision but give a more complete picture of what is going on in the case
- **rejected facts:** facts that one of the parties has argued is important, but the court ultimately determined was not important to the outcome of its analysis

holding: how the court resolved the legal issues raised in the case

issue: a legal question the court is considering and resolving in a case

judgment: what a court does at the end of a case as a result of its holding; also known as the disposition

majority opinion: decision in an appellate case that received the majority of judges' or justices' approval;

parties: participants in a lawsuit or case, such as the plaintiff, defendant, appellant, appellee, petitioner, or respondent

petitioner: party bringing an appeal in a case; in some jurisdictions known as the appellant

plaintiff: in a civil case, the party bringing the claim in court; the party who files the complaint in a civil lawsuit

plurality opinion: a court opinion that receives the most support from the panel of judges or justices but does not include a majority

procedural history: history of the case, including which courts the case has traveled through, what happened in previous court proceedings, and how the case ended up in the current court

rationale: the court's explanation for how it arrived at the holding for a legal issue; includes an application of facts to law or rules; also known as the reasoning

reasoning: the court's explanation for how it arrived at the holding for a legal issue; includes an application of facts to law or rules; also known as the rationale

respondent: party arguing against an appeal in a case; in some jurisdictions known as the appellee

rule: a statement of law applicable to a legal issue in a case