

FORMAT FOR CASE BRIEF

Virtually all of the cases in this text (and all legal texts for that matter) are at an Appellate/Supreme Court level (not a trial court), where Issues of Law are resolved, as opposed to issues of fact which are resolved at the trial court level.

This suggested format is a slight modification of an outline for Case Briefs used in the legal profession. (Example - Text Pg 4 – Case 1.1)

➤ **Style of Case and Citation:**

Example - **United States of America v. Martha Stewart and Peter Bacanovic**
U.S. District, LEXIS 12538 (2004)

➤ **Court Rendering Final Decision:**

Example - U.S. 2nd Circuit Court Of Appeals

➤ **Identification of Parties and Procedural Details:** Who is the Plaintiff/Appellant? Who is the Defendant/Appeler? What is the cause of action? Who prevailed in lower court? Who is appealing to what court?

Example - Original Defendants, Martha Stewart and Peter Bacanovic, are Appealing their conviction for Insider Trading in the Federal District Court by the U.S. Department of Justice, and asking for a New Trial based on a Claim of Perjury by the Prosecution's Expert Star Witness - Lawrence F. Stewart of the U.S. Secret Service. District Court found insufficient evidence for invalidating the Jury/Court Decisions, and Stewart and Bacanovic are Appealing to the U.S. 2nd Court of Appeals.

➤ **Discussion of the Facts:** Who did what to whom? What relief is being sought?

Example - Defendants were trading ImClone Stock based on insider information one day prior to a Public Announcement of damaging financial information regarding ImClone Corporation. Both Defendants were also accused of lying to FBI Agents during an investigation of the Insider Trading Claim.

➤ **Statement and Discussion of the Legal Issues in Dispute:** What decision of the lower court is being challenged? What specific legal questions is the subject court being asked to address? Is the question about Common-Law? A Statute?

Example – The Defendants are challenging the District Court's Denial of their right to a re-trial based on the presumed Perjury of the Expert Witness. This is a question of

Federal Statutory Court Procedure, which did not require an investigation of the truthfulness of witnesses Testimony.

- **Subject Court Final Decision:** For Plaintiff? For Defendant? What happens next?

Example – Ruling is in favor of U.S. Prosecutors. The conviction of Martha Stewart and Peter Bacanovic in District Court is Affirmed. Request for a New Trial is Denied.

- **Summary of This Final Court's Reasoning:** What is the legal basis for the court's decision? Be sure to include relevant Dissenting Opinions.

Example – The Testimony of Lawrence F. Stewart was not reviewed for Perjury by the Court of Appeals because his Testimony was not successfully challenged in District Court, and was supported by three other witnesses. Even if Mr. Stewart had lied under oath, the Defendants' Conviction was supported by these other witnesses.

- **Business Impact of the Case:** How does the result affect US businesses and their policies and practices? How should management react to the decision in this case in order to avoid future problems, or take advantage of such a situations?

Example – Given Multiple Witness Testimony supporting a certain key fact, a question of accuracy and/or Truthfulness of one witness' Testimony that has not been ruled a crime by the Lower Court, does not support a ruling to overturn a Jury Verdict and Grant a New Trial.