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How To Brief A Case (Quickstudy: Law)

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HOW TO BRIEF A CASE
THE "MORRIS METHOD" OF BRIEFING CASES THAT SAVES TIME AND IMPROVES COMPREHENSION

FOUR COLOR BRIEFING RECOMMENDATION BUY A 4-COLOR PEN FROM YOUR BOOKSTORE FOR USE IN THIS METHOD <p>INTRODUCTION</p> <ol style="list-style-type: none">The Four Color Method was developed by Paul Thompson G. Morris who was a Professor of Law at the University of Denver, College of Law, for 30 years.The Four Color method of book briefing will help you analyze and understand a case far more quickly than the traditional method - once you have tried a couple of times.While the Traditional Method requires that you take time to write out or retype key portions of a case, the Four Color Method requires only that you underline specific parts of a case - in specific colors.Both methods require critical analysis. <p>BENEFITS OF THE FOUR COLOR METHOD</p> <ol style="list-style-type: none">UNDERSTANDING SAVES TIME It is much faster to underline than to write.GREATER ACCURACY<ol style="list-style-type: none">By underlining in your book, you are picking out what the judge actually said rather than your own translation of what the judge said.After you have read several cases on the same topic, you will probably be far more accurate about what you write at the beginning to understand which of the judge's words were especially important.By going back to the book to review, using the judge's own words, you will be able to make far more accurate distinctions between cases or your application on a particular topic.REVIEW FOR EXAMS Review for exams will be faster and more accurate if you review directly from the cases you have underlined in your book. <p>USE OF FOUR COLOR METHOD</p> <ol style="list-style-type: none">FIRST<ol style="list-style-type: none">Read through the entire case, without underlining anything.On your first reading, just make a few marks in the margin beside things which you think are important.By the time that you have read the case once, quickly, you will understand the big picture - what the parties were fighting about, and who won.Now you are ready to begin your legal analysis.SECOND Underline specific parts of the case in specific colors as explained in the following instructions.REMEMBER<ol style="list-style-type: none">To make the Four Color Method work, you must be extremely accurate and precise on your initial underlining.The more you spend deciding which color to use on a specific part of a case is actually a way of making yourself take time to distinguish the important components of the case. <p>SUMMARY OF FOUR COLOR METHOD</p> <p>UNDERLINE IN:</p> <p>RED - Who sued whom for what</p> <p>BLACK - The Black Letter Law which was applied</p> <p>GREEN - The Facts which made the law apply</p> <p>BLUE - Anything else especially important to the case</p>	UNDERLINE IN RED WHO SUED WHOM FOR WHAT, AND WHO WON <p>LOCATION</p> <ol style="list-style-type: none">RED is frequently found in the first or second paragraph of the case, and the last line.Just underline who the parties were, what they were all, and who was the result - at every level of the court system.RED is frequently just to indicate who was playing the ball game, what the stakes were, whether there was anything damaged, an injury, or some other remedy; and finally, the score of the ball game (who won, and by how much).Since you will usually be reading appellate level cases in law school, you need to underline in RED who won at the trial court level, who won when the case was appealed to a higher level in the court system, and finally, who won in the version of the case you are reading, which will usually come from a state Supreme Court or the U.S. Supreme Court.At the end of virtually every case the judge says "Reversed" or "Affirmed", and that should be underlined in RED.When you search up the Supreme Court's "Reversed" with what you have underlined in RED from the results at the lower court levels, you will have a clear picture of who was at each level - and who finally won the case. <p>SECTIONS OF EACH CASE</p> <ol style="list-style-type: none">In a long case, there may well be several sections in the case - with possibly differing who written and different numbering systems.If the court tells you who has won for a particular section, by all means underline that in RED - even though it may be in the middle of the case. <p>RED IS IMPORTANT</p> <ol style="list-style-type: none">As you progress through law school, you will discover that if one of the parties in the case is always, or a different remedy is sought, the whole outcome of the case may be different - learn to notice the RED.After you have underlined WHO SUED WHOM FOR WHAT, AND WHO WON, you are ready to go on to underline the law applied in the case. <p>UNDERLINE IN BLACK THE RULES OF LAW WHICH WERE APPLIED TO MAKE THE WINNER WIN</p> <p>BLACK LETTER LAW</p> <ol style="list-style-type: none">This is basically the Black Letter Law of the case.The crucial thing here is to distinguish between the law which was actually applied, which is BLACK and also, which may include rules of law from other jurisdictions, discussion of historical development of the law, and similar things which are NOT the law for which this case could be cited and you, therefore, NOT BLACK.Remember: The law underlined in BLACK should be rules of law which you could prove to an appellate level on the law for which that case could be cited.As an attorney, when you write an appellate brief, you will usually tell the court what the existing law is by the jurisdiction you are applying to the case and you will usually underline it BLACK.	DIFFERENT RULES <ol style="list-style-type: none">You may find three or four rules of law in a single case.Underline each rule of law in BLACK.You may find that the court has stated several different rules, and has also stated essentially the same rule in three different places.When essentially the SAME RULE has been stated in three different places, decide which statement you think is the best and give that statement a number, (e.g. number "1"). Then number the other statements of the same rule as number "2A", "2B", "2C", and so forth to indicate that all of the various statements of the same rule are basically the same concept.Then find the rules which are DIFFERENT CONCEPTS from the first rule you have numbered and give each rule which states a different concept a different number - (e.g. "3", "4", "5", and so forth). <p>TYPES OF RULES</p> <ol style="list-style-type: none">In almost every case you read, you will have some precedential rules, listing with weight of the previous, standard of review, and the like. You will also find several substantive rules, dealing with the requirements of a contract, the duties of a landlord, and such things.Underline in BLACK every rule which the court actually applies, and for which the case could be cited. The substantive rules will be the important ones for your classes in Contracts and Property.The precedential rules will be primarily important for Civil Procedure.Sometimes a Contract or Property case may not be based on a precedential rule. <p>UNDERLINE IN GREEN THE FEW SPECIFIC FACTS WHICH MAKE BLACK RULES OF LAW APPLY TO THIS CASE</p> <p>KEY FACTS</p> <ol style="list-style-type: none">Many of the facts described in a particular case are unimportant, but OF NO LEGAL SIGNIFICANCE. Usually there are only a few key facts, on which the whole case turns - Underline these KEY FACTS in GREEN.When you are an attorney, the key facts - the GREEN - will be the EVIDENCE which you must prove at trial. <p>REFER BACK TO BLACK</p> <ol style="list-style-type: none">In searching for the key facts, go back to the rules you have underlined in BLACK and figure out, for each rule, which specific facts were needed to make that specific rule of law apply. There will probably only be two or three specific facts which were necessary for each rule.Find those specific facts, underline them in GREEN, and number the GREEN you have just underlined to match the BLACK for which it was necessary.For each BLACK, you should be able to underline the necessary GREEN - the facts - which must have been proved at trial to prove the BLACK to be applied to the case.Whenever a court applies law in a particular set of facts, the underlining facts NEVER have been proved. Do not be totally open, however, if the entire of your casebook has simply not included all of the necessary facts to support all of the BLACK.Just do the best you can and you will almost certainly find that the essential GREENS for the major BLACKS of the case will be included.
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Synopsis

Our chart shows you how to brief a case in a compact format that is simple to follow. Includes an actual brief that illustrates all the salient points.

Book Information

Series: Quickstudy: Law

Pamphlet: 4 pages

Publisher: QuickStudy; Lam Crds edition (March 24, 2006)

Language: English

ISBN-10: 142320171X

ISBN-13: 978-1423201717

Product Dimensions: 8.5 x 11 x 0.1 inches

Shipping Weight: 0.8 ounces (View shipping rates and policies)

Average Customer Review: 4.7 out of 5 stars 40 customer reviews

Best Sellers Rank: #29,986 in Books (See Top 100 in Books) #9 in Books > Law > Law Practice > Research #293 in Books > Textbooks > Law

Customer Reviews

I think this was good to help you start briefing cases but forget about using this method in law school, you will never get all your cases briefed and b prepared for class.....sometimes keeping things simple is better

I got this for my college kid and they said it was pretty useful.

Brief but very informative.

Wow, Amazing amount of information regarding different Rules of Law, weather it be Federal or State. Specifics, seem to be really very accurate issues. Lots of examples of dealing with plaintiffs and defendants and with different courts. The color coding is really quite helpful. Love it!

Purchased to help with the paralegal program I'm doing. A great go to for an overview. Very happy with them!

love it

A great tool, especially since Briefing a Case can be a challenge!

I have studied a lot of different fields and I never thought about color coding as an alternative to rewriting the material that is important. (color coding). The product has helped me study with more confidence.

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