

## PREPARING FOR CLASS



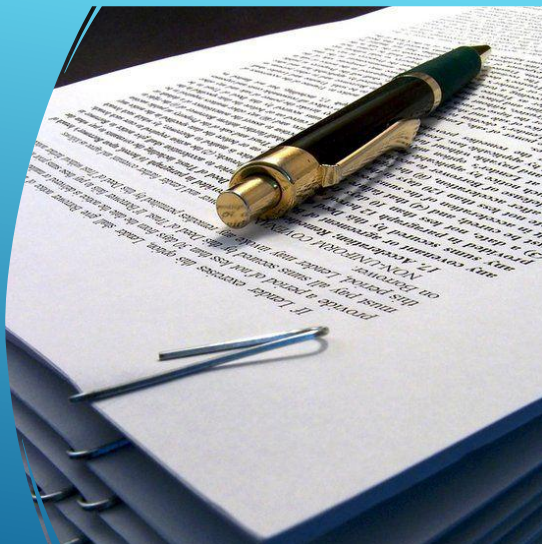
*It might be the ugliest bird house in Indiana . . . Justice Baker*

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## IDENTIFY WHAT MATTERS

- Client interviews
- Data Gathering
- Reviewing case files
- Issue spotting



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What do  
you see?

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## BEFORE CLASS TO DO:

- ❑ Identify the class subject
- ❑ Read for understanding – skim 1st, then focus on what is important,
- ❑ Focus on case outcomes
- ❑ All cases are up for interpretation
- ❑ Read critically
- ❑ Take notes
- ❑ Prepare questions for class

Michael Hunter Schwartz and Paula J. Manning, **Expert Learning for Law Students**, (3d ed. Carolina Press 2018).

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## WHY BRIEF CASE LAW?

- Case Understanding
- Aid in class discussion
- Identify rules
- Case Analysis – Apply rules to new facts to predict an outcome

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## BRIEF STARTER TIPS

- ▶ Keep it short
- ▶ Spend more time on reading and outlining
- ▶ Perfection is not the goal
- ▶ Use a template, at first

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## READING TO UNDERSTAND

- ▶ Skim the Case
- ▶ Look up unknown legal concepts
- ▶ Read the Case again – note/highlight/underline important components
- ▶ Read the Case again while preparing the case brief
- ▶ Consider how this case fits within the legal concepts discussed in class.

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## COMPONENTS OF A CASE BRIEF

- ▶ Name and citation of case
- ▶ Procedural history
- ▶ Facts
- ▶ Issue
- ▶ Rule
- ▶ Reasoning
- ▶ Holding
- ▶ Disposition

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## CASE BRIEF PROCEDURAL HISTORY

- ▶ What happened in the court system.
- ▶ Outcome of the trial.
- ▶ Result of appeals in any other courts.

**Tip: One sentence per court.**

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## CASE BRIEF FACTS

- ▶ Memory facts: Something that helps you remember the case
- ▶ Legally Significant Facts: What happened to bring the case into court.
- ▶ Only include facts discussed in the Court's decision.

**Tip: Avoid too many details – don't get distracted.**

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## CASE BRIEF ISSUE

- ▶ Question the Court must resolve.
- ▶ Look for more than one issue.

**Tip: “Did the lower court error. . .” or “Whether. . .” are clues to finding issues.**

**2<sup>nd</sup> Tip: Every appeal looks at whether the lower court erred. Write the substantive issue.**

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## COMPONENTS OF A CASE BRIEF RULE OF LAW

- ▶ List of primary sources used by the Court to decide the case.
- ▶ Include a brief summary of the rule to help you understand the case outcome.

**Tip: Only list rules discussed by the court. Do not list rules merely mentioned by the court.**

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## CASE BRIEF HOLDING

- ▶ Answer to the Issue
- ▶ This is not the action of the court, called the disposition.

**Tip: Reword the issue as answered by the Court.**

**Bonus Tip: The holding is the legal rule from the case.**

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## CASE BRIEF REASONING

- ▶ Longthiest part of brief
- ▶ How the court analyzes the facts, issues and rules

**Tip: This is how the court reached its holding**

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## CASE BRIEF DISPOSITION

- ▶ Court Action
- ▶ Reversed
- ▶ Remanded
- ▶ Affirmed

**Tip: Look at the last sentence of the opinion**

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## CASE BRIEF NOTES

- ▶ Leave space for your notes.
- ▶ Include questions you have about the case.
- ▶ Take notes as you discuss the case in class
- ▶ The takeaway from caselaw is how this case applies to future cases. The application of law is the key.
- ▶ Incorporate the application into your outlines.

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## TRY IT!

Work in small groups to brief the case in front of you.

You have 15 minutes for this task.

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## PURPOSE OF CASE LAW

- ▶ What core concepts did you learn from this case?
- ▶ How would you outline or take notes on the case concepts?
- ▶ How might this case help on an exam?

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## EVALUATE YOUR BRIEFS

- ▶ What is missing?
- ▶ What can you eliminate?
- ▶ How can you improve?
- ▶ What will you do differently on your next brief?
- ▶ How will you use this information during class?

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|   |
|---|
| <b>Case Name and Citation</b><br><b>Wernke v. Halas, 200 N.E.2d 110 (Ind. App. 1992).</b>   |
| <b>Procedural History</b><br>Trial court granted summary judgment in favor of Halas – finding a nuisance existed, and awarded damages.  |
| <b>Facts</b><br>Parties are adjoining neighbors. Wernke built a privacy fence (under 6 feet tall) and covered with vinyl, plastic fencing and a license plate and there were expletives written in the post concrete. Wernke hung a toilet seat “bird house” facing the neighbors.  |
| <b>Issue</b><br>Did the fence, graffiti, and toilet seat constitute a nuisance?<br>Is the fence a spite fence?  |
| <b>Rules</b> <ul style="list-style-type: none"> <li>• Ind. Code 34-1-52-1 Nuisance</li> <li>• Ind. Code 32-10-10-1 – spite fence</li> <li>• Giller v West – reasonable person standard in nuisance &amp; fence encroachment requirement</li> <li>• Yeager v. O’Neill – nuisance per se v. nuisance per accidens</li> </ul> <b>Haehlen v. Willson, et al - Unsightliness alone does not constitute a nuisance.</b> |
| <b>Holding</b><br>No, the fence, graffiti and toilet seat are not a nuisance.<br>No, the fence is not a spite fence.  |
| <b>Reasoning</b><br>Fence is not a spite fence because it is under 6 feet tall and does not encroach on property. Unsightliness alone does not constitute a nuisance. Since the birdhouse does not meet the requirements under nuisance, the summary judgment was improper.   |
| <b>Disposition</b><br>Summary judgment reversed and ordered for Wernke. Damages are reversed.   |
| <b>Notes</b><br>The ugliest bird house in Indiana   |

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NEED HELP?

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