

Legal method case note essay sample



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Beginning students often have difficulty identifying relationships between the parties involved in court cases. The following definitions may help:

Plaintiffs sue defendants in civil suits in trial courts. The government (state or federal) prosecutes defendants in criminal cases in trial courts. The losing party in a criminal prosecution or a civil action may ask a higher (appellate) court to review the case on the ground that the trial court judge made a mistake. If the law gives the loser the right to a higher court review, his or her lawyers will appeal. If the loser does not have this right, his or her lawyers may ask the court for a writ of certiorari. Under this procedure, the appellate court is being asked to exercise its lawful discretion in granting the cases a hearing for review. For example, a defendant convicted in a federal district court has the right to appeal this decision in the Court of Appeals of the circuit and this court cannot refuse to hear it.

The party losing in this appellate court can request that the case be reviewed by the Supreme Court, but, unless certain special circumstances apply, has no right to a hearing. These two procedures, appeals and petitions for certiorari, are sometimes loosely grouped together as “ appeals.”

However, there is, as shown, a difference between them, and you should know it. A person who seeks a writ of certiorari, that is, a ruling by a higher court that it hear the case, is known as a petitioner. The person, who must respond to the petition, that is, the winner in the lower court, is called the respondent. A person who files a formal appeal demanding appellate review as a matter of right is known as the appellant. His or her opponent is the Respondent. The name of the party initiating the action in court, at any level

on the judicial ladder, always appears first in the legal papers. For example, Arlo Tatum and others sued in Federal District

Court for an injunction against Secretary of Defense Melvin Laird and others to stop the Army from spying on them. Tatum and his friends became plaintiffs and the case was then known as Tatum v. Laird. The Tatum group lost in the District Court and appealed to the Court of Appeals, where they were referred to as the appellants. When Tatum and his fellow appellants won in the Court of Appeals, Laird and his fellow defendants decided to seek review by the Supreme Court. They successfully petitioned for a writ of certiorari from the Supreme Court directing the Court of Appeals to send up the record of the case (trial court transcript, motion papers, and assorted legal documents) to the Supreme Court. At this point the name of the case changed to Laird v. Tatum: Laird and associates were now the petitioners, and Tatum and his fellows were the respondents.

Several church groups and a group of former intelligence agents obtained permission to file briefs (written arguments) on behalf of the respondents to help persuade the Court to arrive at a decision favorable to them. Each of these groups was termed an *amicus curiae*, or "friend of the court." In criminal cases, switches in the titles of cases are common, because most reach the appellate courts as a result of an appeal by a convicted defendant. Thus, the case of Arizona v. Miranda later became Miranda v. Arizona. A

STUDENT BRIEFS IN BRIEFING A CASE [CASE NOTE] These can be extensive or short, depending on the depth of analysis required and the demands of the instructor. A comprehensive brief of a case note includes the following elements: 1. Identification of the case (Title and Citation) 2. Procedural

history 3. Material facts of the Case 4. Issues 5. Arguments of the parties 6. Decisions /Judgment or Holdings 7. Reasoning of the court (Rationale) 8. Ratio decidendi 9. Obiter dictum 10. Significance of the case.

1. Identification of the case (Title and Citation) The title of the case shows who is opposing whom. The name of the person who initiated legal action in that particular court will always appear first. The citation tells how to locate the reporter of the case in the appropriate case reporter. If you know only the title of the case, the citation to it can be found using the case digest covering that court, for example TLR, HCD OR EACA. For example: Hamisi Rajabu Dibagula v Republic; Criminal appeal no. 53/2001, court of appeal of Tanzania at Dar es Laam, (2003) (UN reported) Coram Coram entails a number of deciders who have entertained a particular case their names do appear according to the principle of seniority [the high to the lower], For example coram in Hamisi Dibagula's case: Samatta, C. J, Mroso, J. A and Munuo J. A, 2.

Procedural history of the case Here one is required to cite the courts in which the case has passed through; For example In Dibagula's case: The case started at the district court of Morogoro then was called for revision proceeding in the high court, there after the appellant being aggrieved by the decision of both courts he appealed to the Court of Appeal of Tanzania.

3. Material facts of the Case This includes a summary of the pertinent facts and legal points raised in the case. It will show the nature of the litigation, who sued whom, based on what occurrences, and what happened in the lower court/s. The facts are often conveniently summarized at the beginning

of the court's published opinion. Sometimes, the best statement of the facts will be found in a dissenting or concurring opinion.

The fact section may include the following elements: 🏠 🏠 🏠 A one-sentence description of the nature of the case, to serve as an introduction. A statement of the relevant law, with quotation marks or underlining to draw attention to the key words or phrases that are in dispute. A summary of the complaint (in a civil case) or the indictment (in a criminal case) Plus relevant evidence and arguments presented in court to explain who did what to whom and why the case was thought to involve illegal Conduct. 🏠 A summary of actions taken by the lower courts, for example: defendant convicted; conviction upheld by appellate court; Supreme Court granted certiorari. For example in Dibagula's case: The appellant was convicted for the utterance of words contrary to section 129 of the penal Code with intent to wound religious feelings at Chamwino; Morogoro town whereby he was heard saying “ yesu si Mwana wa Mungu ni jina la mtu kama mtu mwingine tu” and so he was sentenced to 18 month imprisonment being aggrieved he appeal to the court of appeal.

4. Issues The issues or questions of law raised by the facts peculiar to the case are often stated explicitly by the court. Again, watch out for the occasional judge who misstates the questions raised by the lower court's opinion, by the parties on appeal, or by the nature of the case. Constitutional cases frequently involve multiple issues, some of interest only to litigants and lawyers, others of broader and enduring significant to citizens and officials alike. Be sure you have included both. For example in Dibagula's case: [1]the issue was whether merely utterance of words in the hearing of

another person that Jesus Christ is not the son of God constitutes to a criminal offence under section 129 of the penal code. [2] The issue was whether the learned trial magistrate complied with the requirements of section 312 of the CPA.

Another example is from the famous case of *Brown v. Board of Education* involved the applicability of a provision of the 14th Amendment to the U. S. Constitution to a school board's practice of excluding black pupils from certain public schools solely due to their race. The precise wording of the Amendment is "no state shall... deny to any person within its jurisdiction the equal protection of the laws." The careful student would begin by identifying the key phrases from this amendment and deciding which of them were really at issue in this case. Assuming that there was no doubt that the school board was acting as the State, and that Miss Brown was a "person within its jurisdiction," then the key issue would be "Does the exclusion of students from a public school solely on the basis of race amount to a denial of 'equal protection of the laws'?" Of course the implications of this case went far beyond the situation of Miss Brown, the Topeka School Board, or even public education. They cast doubt on the continuing validity of prior decisions in which the Supreme Court had held that restriction of Black Americans to "separate but equal" facilities did not deny them "equal protection of the laws."

Make note of any such implications in your statement of issues at the end of the brief, in which you set out your observations and comments. 5.

Arguments of the parties: Both concurring and dissenting arguments should be subjected to the same depth of analysis to bring out the major points of

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agreement or disagreement with the majority opinion. Make a note of how each justice voted and how they lined up. Knowledge of how judges of a particular court normally line up on particular issues is essential to anticipating how they will vote in future cases involving similar issues. For example in Hamisi Dibagula's case: The appellant argued that utterance of words was not more than exercising of his constitutional right to freedom of religion. The appellant also argued that to prove against him the prosecution side must adduce evidence from someone whose religious feelings were wounded by the alleged utterance. The appellant also argued that so as to find him guilty of the charged offence with respect to section 129 of the Penal code the prosecution side had to prove a requisite mens rea.

The appellant also argued that the judgment did not comply with the requirements of section 312 of the Criminal procedure Act. To the respondents side he argued that due to the utterance of the words that Jesus is not the son of God he was religiously wounded, in spite of other people disagreeing with the fact that Jesus is the son of God but he The appellant may accept that Jesus is the son of God. 6. Reasoning of the Court: The reasoning of the court, or rationale, is the chain of argument which led the judges in either a majority or a dissenting opinion to rule as they did. In other words this is a number of provisions or case laws that the Judge used in reaching his judgment. Normally this should be outlined point by point in numbered sentences or paragraphs. For example in Hamisi Dibagula's case: The court reached its decision by referring the case of JONH V. REES & OTHERS, 1965. By considering the principal of natural justice that the accused/appellant had the right to be heard. Also by considering another

case of AMIRALI V. REPUBLIC TLR NO. 1, It was stated that a good judgment should be clean, systematic, straight forward and must contain point for determination, reasoning and must be relevant with the statutory provisions responsible.

7. Decisions/ Judgment or Holding of the case: The Holding or judgment, is the court's answer to a question presented to it for answer by the parties involved or raised by the court itself in its own reading of the case. There are narrow procedural holdings, for example, " case reversed and remanded," broader substantive holdings which deal with the interpretation of the Constitution, statutes, or judicial doctrines. If the issues have been drawn precisely, the holdings can be stated in simple " yes" or " no" or appeal allowed or appeal dismissed mostly this is a short statement taken from the language used by the court. For example In Hamisi Dibagula's case: Appeal allowed, Conviction quashed and the sentence imposed was set aside.

8. Ratio decidendi: The term ratio decidendi is a Latin phrase which means the " the reason for deciding". What exactly does this mean? In simple terms, a ratio is a ruling on a point of law. However, exactly what point of law has been decided depends on the facts of the case, the importance of material facts. For example in Hamisi Dibagula's case: With regard to section 129 of the Penal code certain elements of Mens rea were required to coincide with the act, to which the accused in the instance case is seen to not cause or intend to wound the religious feeling of others. The Magistrate did not consider this element as provided under section 129. (B) The Magistrate did not comply with the requirements of section 312 of the criminal Procedure Act. 9. Obiter Dictum: An obiter dictum is a Latin phrase meaning

“ things said by the way”. Obiter dicta are not binding (unlike the ratio), but they may be regarded as persuasive in a future decision.

The weight given to dicta usually depends on the seniority of the court and the eminence of the judge in question. Obiter dicta are judicial opinions on points of law which are not directly relevant to the case in question. For example in Hamisi Dibagula’s case: Those words in the Quran which was said by Mr. Toslime who is the appellants advocate were Obiter dictum. 10.

Significance of the case: Here the One should evaluate the significance of the case, its relationship to other cases, its place in history, and what is shows about the Court, its members, its decision-making processes, or the impact it has on litigants, government, or society. It is here that the implicit assumptions and values of the Justices should be probed, the “ rightness” of the decision debated, and the logic of the reasoning considered.

For example in Hamisi Dibagula’s case: The case demonstrated and established the Principle of natural Justice as the requirement of rule of Law, Where by the accused was supposed to be given a chance or an opportunity to be heard so that he could defend his case. A CAUTIONARY NOTE A reader is advised to not brief the case until you have read it through at least once. Don’t think that because you have found the judge’s best purple prose you have necessarily extracted the essence of the decision. Look for unarticulated premises, logical fallacies, manipulation of the factual record, or distortions of precedent. Then ask, how does this case relate to other cases in the same general area of law? What does it show about judicial policymaking? Does the result violate your sense of justice or fairness? How might it have been better decided?