

Briefing a case

1. Short summary of the facts leading up to the trial
2. Statement of the legal issue(s) raised in, or by, the appeal
3. Statement of the rule(s) of law associated with the legal issue(s)
4. Application of the rule(s) to the facts (the analysis!)
5. The conclusion/result

Preparing an answer to a problem case or exam

1. Identify the legal issue presented-typically stated in the form of a question.

Example: Was Smith's promise to pay an old debt consideration for Jones' promise to let Smith use Jones' summer home?"

2. State the rule of law that applies to the question

Example: Consideration consists of something of legal value given in exchange for a promise. Promising to perform a preexisting duty may not be good consideration.

3. Application of the rule to the facts:

Example: Although Smith has a preexisting duty to pay his debt to Jones, if the debt is "stale," that is the statute of limitations had expired on Jones' right to sue Smith, then there is no preexisting duty and the new promise is likely to be consideration. However, if Smith' debt is not stale then Jones could claim the duty to pay the debt is still valid and the new promise has no value.

4. Conclusion-take a position following your analysis:

Example: I believe the court would rule the debt stale and the promise to pay the debt good consideration for the promise to provide the summer home.

Then, do the same to the next issue, and so on. The conclusion is the least important part of the answer.