

CRITICAL READING AND CASE BRIEFING

LOYOLA LAW ORIENTATION

AUGUST 2026

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AGENDA

Anatomy of a case

Intro to critical case reading

Why to brief

How to brief

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ANATOMY OF A CASE

Case Caption

Synopsis / Summary / Background / "Syllabus"

Headnotes

Attorneys

Judge

Opinion

Concurring and Dissenting Opinions

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672 Pa. 404 ATLANTIC REPORTER, 2d SERIES

ly, it is clear that the legislature intended the counties and the state to share those costs not paid for by the person receiving the services (or those owing to him a legal duty to support) except in those areas specifically relegated to the county by section 505 and to the state by section 507.

I would therefore reverse.



Robert G. SINN and JoAnne Marie Sinn, Administrators of the Estate of Lisa Anne Sinn, Deceased, Deborah Frances Sinn, a Minor, by Robert G. Sinn, Her Natural Guardian, and JoAnne Marie Sinn

v.

Brad Lee BURD.

Appeal of JoAnne Marie SINN.
Supreme Court of Pennsylvania.
Argued March 5, 1979.
Decided July 11, 1979.
Reargument Denied Aug. 22, 1979.

Action was brought against driver of automobile, which struck and killed child, to recover under wrongful death and survival acts, to recover for psychological damages sustained by child's sister and to recover for damages sustained by child's mother due to emotional stress arising from fact that, while she was outside zone of danger of any physical injury to herself, she observed the

ages sustained due to mother's emotional stress, and appeal was taken. The Superior Court, No. 403 April Term, 1977, 253 Pa.Super. 627, 384 A.2d 1008, affirmed. After granting allocatur, the Supreme Court, No. 75 March Term, 1978, Nix, J., held that: (1) recovery of damages for negligently caused mental trauma suffered by bystander is not to be precluded merely on basis of fact that he was outside zone of danger of being struck by the negligent force, and (2) the count in question stated cause of action on which relief could be granted, in light of fact that such emotional distress on part of mother was a reasonably foreseeable injury.

Order reversed, and case remanded.

Eagen, C. J., specially concurred and filed opinion.

Larsen, J., concurred in result.

Roberts, J., dissented and filed opinion in which O'Brien, J., joined.

1. Pleading — 214(4, 5)
Conclusions of law and unjustified inferences are not admitted by preliminary objection in the nature of demurrer. (Per Nix, J., with one Justice concurring, one Justice specially concurring and one Justice concurring in result.)

2. Pleading — 193(5)
Demurrer is to be sustained only if complaint fails to set forth a cause of action. (Per Nix, J., with one Justice concurring, one Justice specially concurring and one Justice concurring in result.)

3. Appeal and Error — 852
In regard to reviewing propriety of an

This is how most cases will look in a *reporter* (the official print volume in which cases are published).

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This is how the same case would appear in one of the *legal research databases* that most attorneys use in practice.

The screenshot displays the Westlaw Advantage interface. At the top, the header includes 'THOMSON REUTERS WESTLAW ADVANTAGE' and a navigation bar with links like 'BISHOP EMILY', 'History', 'Folders', 'My links', 'Notifications', and 'CoCounsel'. A search bar is present with the text 'Enter terms, citations, databases, questions, anything ...'. Below the header, the case title 'Sinn v. Burd' is prominently displayed, followed by its citation: 'Supreme Court of Pennsylvania. • July 11, 1979 • 486 Pa. 146 • 404 A.2d 672 • (Approx. 29 pages)'. The interface shows various tabs for 'Document', 'Filings (0)', 'Negative Treatment (9)', 'History (2)', 'Citing References (2,197)', 'Cited With (6,896)', and 'Table of Authorities'. A sidebar on the right contains links for 'Notes', 'Outlines', and 'Litigation Document Analyzer'. The main content area shows the case details, including the parties: 'Robert G. SINN and JoAnne Marie Sinn, Administrators of the Estate of Lisa Anne Sinn, Deceased, Deborah Frances Sinn, a Minor, by Robert G. Sinn, Her Natural Guardian, and JoAnne Marie Sinn' versus 'Brad Lee BURD'. The case is identified as an 'Appeal of JoAnne Marie SINN.' dated 'July 11, 1979', with a note that 'Reargument Denied Aug. 22, 1979.'.

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CASE READING = CRITICAL READING

- Read for a specific purpose
 - Doctrinal class: understand a specific concept or rule; learn how the law has evolved over time
 - Lawyering: understand the court's approach to a specific issue/issues, **and** begin to understand how that approach will affect your client's case
- Don't read merely to get the gist of the case
- Goals
 - Process and understand detail and nuance
 - Be able to explain the case to someone else thoroughly, precisely, and concisely
 - Understand the case's likely implications for future situations

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READING CASES FOR CLASS VS. READING CASES FOR LAWYERING (AND IN PRACTICE)

- Casebook editors often edit cases to highlight key points.
- Lawyering class (and real-life legal research) often requires you to read the full text of your cases.
 - During the first half of the first semester, your Lawyering cases will be edited. After that point, you will typically read the original text of the cases.
 - To determine the impact that each unedited case will have on your client, you must identify and focus on the case material relevant to your client's issue(s).

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HOW SHOULD YOU READ A CASE?

- **READ THE CASE MORE THAN ONCE.**
 - Speed is not your primary goal.
- First reading
 - Get context
 - Read for an overview; try to understand the path of the case and the big picture
- Second reading
 - Read closely and actively!
 - Take margin notes!
 - Prominently mark important info (e.g., holding(s), rules, reasoning)
 - Rewrite dense passages as clear, concise statements

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FOLLOWING UP ON CRITICAL CASE READING

- Label your copies to create a memory-refreshing “flash card” at the top of the first page
 - Case name, court, year
 - Short description(s) of facts
 - Shorthand description(s) of holding(s) and reasoning
- Brief the case
 - Maximize your understanding of the case from beginning to end
- Re-read the case after you brief, and update brief, if necessary
 - Recursive learning: Briefing clarifies understanding

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THE BASICS OF CASE BRIEFING

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WHY BRIEF CASES?

- The value lies not only in the document you draft but also in **what the drafting process does for you.**
 - Dissecting an opinion helps you to understand that single opinion better
 - Dissecting one opinion improves your critical reading skills, so you will read *future* opinions more effectively
 - Briefing will help you prepare for class discussion and questions from professors (e.g., questions about the case, questions about hypotheticals that the case will help you answer)
 - Briefing will help you prepare to use the cases effectively in writing exercises and assignments

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REMEMBER: BRIEFING BUILDS SKILLS

- Shortcuts to briefing have long existed and will always be available in some form.
- Disadvantages
 - Does the shortcut create an accurate brief?
 - Does the shortcut create a brief that is comprehensive and nuanced enough to serve your purposes?
 - Will taking the shortcut allow you to develop your own skills?
 - Effortful struggle builds skills
 - Learning from mistakes also builds skills
- As an incoming law student, **do not** skip close case reading and case briefing. Invest in yourself. Don't sacrifice long-term development for short-term convenience.

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ANATOMY OF A CASE BRIEF

- Caption information and Case Citation (you'll start learning legal citation concepts in Week 1 of Lawyering I!)
- Facts
 - Contextually significant facts
 - Legally significant facts
- Procedural history
- Issue(s)
- Holding(s)
- Explicit rules (stated directly in case in general terms)
- Reasoning for holding
- Implicit rules (rules that you can extract/infer from court's handling of the case)
- [Concurrence, Dissent]
- [Your own notes and questions]

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Section	Explanation
Caption/citation	At a minimum, case name, court, date. Some find it helpful to include brief description (e.g., "dog bite case").
Facts	Contextually significant facts (facts that you must know for a basic understanding of what happened) and legally significant facts (facts that the court specifically mentioned in its reasoning)
Procedural History	Procedural background of the case (Who filed what? When? In which court? What did that court already find/do? What court is assessing the case now?)
Issue(s)	Question(s) before the court (in Lawyering, when reading full-text cases, focus on the questions that are also present in your client's case)
Holding(s)	Court's fact-specific decision(s) on the issue(s). [If an issue is a question, the holding on the issue is typically the answer to that question.]
Outcome	The procedural disposition offered by the court issuing the opinion.
Explicit Rule(s)	General statement(s) of the law governing the issue(s) in question
Reasoning for holding(s)	The court's rationale for each holding—i.e., what facts support the holding and why. [Often, the reasoning explains why the facts satisfy or fail to satisfy a relevant rule.]
Implicit rule(s)	Rules that the court does not state explicitly in its opinion, but that you can infer from the opinion. You may be able to generate a test or explain more specific sub-rules in general terms.
Other	Examples: Important dicta; summary of concurring/dissenting opinions; questions you have after reading the case

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SIDE NOTE: LEGAL TESTS AND THEIR COMPONENTS

- To understand case reading and briefing, you must understand that when courts resolve legal issues, they often apply one or more tests to do so.
- **Many legal claims, crimes, and defenses have a basic definition in the law (statute or case law), and the courts in the jurisdiction then use a multi-part test to determine whether the party who bears the evidentiary burden has carried its burden or not.**
- Several different types of tests exist (and you will learn about these types as you work your way through law school!), but for now, we are focusing on legal issues that have an element-based test.
- **An element = a component that the party with the burden of proof must prove to succeed.**
 - Example: Assume that in a particular jurisdiction, the crime of burglary has four elements. To convict, the prosecutor must prove all four elements. If the State proves only three of four elements, it has not proved its case.
- **Result:**
 - A case might have an overall holding AND one or more subholdings on individual elements.
 - A case might have “global” rules about the entire issue AND element-specific rules.
 - Much of the reasoning that you see in the opinion could be element-specific reasoning.

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TWO STYLES OF BRIEFING

- **Outline format:** presents the information as a chunked outline with bulleted points and sub-points as needed
- **Brief that incorporates an Element Chart:**
 - If the case covers a legal issue that is governed by an element-based test, some writers like to create a chart within the brief to track the content relating to each element’s sub-holding, explicit rules, and reasoning.
 - The charting method helps some readers dissect the case more effectively and identify gaps in the opinion. For instance, a court might not evaluate every element of a claim or crime, or it might evaluate every element but provide rules for only some elements.
- **You will receive a sample of each style of brief.**
- **Which style should you use? It depends.**
 - If your professor requires a particular style of brief, follow your professor’s instructions.
 - If you are briefing solely for your own purposes, experiment to see which style helps you understand the cases most effectively.

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INITIAL CLARIFICATION: HOW RULES DIFFER FROM HOLDINGS AND REASONING

- **Rule: a principle of general applicability**
 - Demo: For purposes of theft, a “taking” involves any carrying away of the property, no matter how slight.
- **Holding: specific resolution of an issue in the case you are reading**
 - Demo: The State provided sufficient evidence to prove that Mr. Remming “took” the car.
- **Reasoning: the court’s explanation of why specific facts satisfy (or fail to satisfy) the relevant rule**
 - Mr. Remming drove the car twenty feet through the parking lot. Even though police blocked his exit from the lot, his driving was still a carrying away of the car. 17

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EXPLICIT V. IMPLICIT RULES

- **Explicit rules:** directly stated by the court in the text of the opinion
- **Implicit rules:** inferred by YOU, the reader, from the reasoning/outcome of the case
 - The text of the opinion is the raw material from which you can infer implicit rules.
 - You can only work with what you have! Some cases might allow you to infer one or more implicit rules. Other cases might allow you to infer none.
- It can be easier to identify implicit rules when you know you will be using the case(s) for a specific purpose.
- Do not stress if you struggle to identify implicit rules early in the semester. It gets easier. 18

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IMPLICIT / EXPLICIT RULE DEMO (NON-LEGAL CONTEXT)



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DAY ONE



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DAY TWO



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DAY THREE



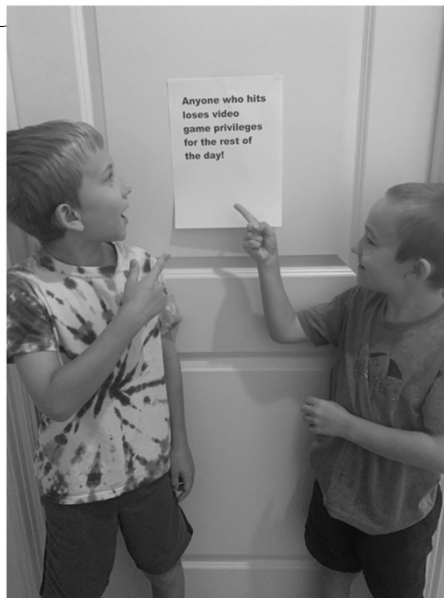
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DAY 4



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DAY FIVE: THE IMPLICIT RULE BECOMES EXPLICIT



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REMINDER: DEMO VIDEO

- Now, watch the companion video that demonstrates case annotation and briefing methods.

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