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How To Brief A Case (Quickstudy: Law)

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AMERICA'S #1 LEGAL REFERENCE GUIDE

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HOW TO BRIEF A CASE

THE "SMART 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!

INTRODUCTION

1. The Four Color Method was developed by Prof. Thompson D. March, who was a Professor of Law at the University of Denver, College of Law, for 30 years.
2. The Four Color method of book briefing will help you understand and remember a case much more quickly than the traditional method - once you have tried it a couple of times.
3. While the Traditional Method requires that you take time to write out every little element of a case, the Four Color Method requires that you underline the **specific parts** of a case - in specific colors.
4. Both methods require critical analysis.

BENEFITS OF THE FOUR COLOR METHOD

1. UNDERLINING SAVES TIME
2. GREATER ACCURACY
3. By underlining in your book, you are putting out what the judge actually said rather than your own interpretation of what the judge said.
4. After you have read several cases on the same topic, you will probably be far more cognizant of what the judge's opinion was at the beginning of understanding which of the judge's words were especially important.
5. By going back to the book in review, using the judge's own words, you will be able to make for more accurate distinctions between cases or for application of a particular rule to a specific situation.

REVIEW FOR EXAMS

Review for exams will be faster and more accurate if you review directly from the cases you have colored in your book.

USE OF FOUR COLOR METHOD

1. **FIRST**
 - Underline the entire case, without underlining anything.
2. On your first reading, your underlines should be in the major/bold things which you think are important.
3. 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.
4. 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

1. To make the Four Color Method work, you must be extremely accurate and precise in your initial underlining.
2. The time 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 parts of the case.

SUMMARY OF FOUR COLOR METHOD

UNDERLINE IN **RED**
RED - Who sued whom for what

BLACK - The Black Letter Law which was applied

GREEN - The facts which made the law apply

BLUE - Anything else especially important in the case

UNDERLINE IN **RED WHO SUED WHOM FOR WHAT, AND WHO WON**

LOCATION

1. **RED** is frequently found in the **First or second paragraph** of the case, and the **last line**.

KEEP YOUR **RED UNDERLINING SIMPLE**

1. Just underline who the parties were, what they wanted, and who won how much - at every level of the case.

RED is basically just to indicate who was playing the bill game, what the stakes were, whether plaintiff was getting damages, an injunction, or some other remedy; and, usually, the score of half games (who won, and by how much).

2. **RED** is also used to indicate **different levels** of cases in law school, you need to underline **or **RED**** who was at the trial court level; who was when the case was appealed to a higher level in the court system; and finally, who was in the **court of appeals** when one was needed. When you come from a **trial court** to the **Court of Appeals**, you will have a clear picture of who was at each level - and who finally won the case.

SECTIONS OF EACH CASE

1. In a long case, there will be several sections to which you will be referring during the section and defendant whining another section.

2. If the court tells you who was won for a particular section, be it **RED** - even if it is the **middle** of the case.

RED IS IMPORTANT

1. In law school, you will always be asked questions as to if one of the parties in the case is **red**, or a **different** remedy is sought, the **whole outcome** of the case may be different - listen to either the **RED**.

2. After you have underlined **WHO SUED WHO FOR WHAT, AND WHO WON**, you are ready to go on to underline the law applied in the case.

UNDERLINE IN **BLACK THE RULES OF LAW WHICH WERE APPLIED TO MAKE THE WINNER WIN**

BLACK LETTER LAW

1. This is basically the Black Letter Law of the case.
2. The crucial thing here is to distinguish between the law which was actually applied, which is **BLACK**, and those which may include rules of law from other jurisdictions, decisions of historical interest, or other cases which were cited. **BLACK** is **NOT** the law for which this case could be cited, and are, therefore, **NOT BLACK**.
3. **Remember**: The law mentioned in **BLACK** should be rules of law which come from grants to an appellate court, which are then applied to the case.
4. As an attorney, when you write an appellate brief, you will usually tell the court what the existing law is by referring to the **BLACK** which you have underlined in the **case**.

UNDERLINE IN **GREEN THE FEW SPECIFIC FACTS WHICH MAKE BLACK RULES OF LAW APPLY TO THIS CASE**

KEY FACTS

1. Many of the facts described in a particular case are interesting, but of **NO LEGAL SIGNIFICANCE**.
2. Usually there are only a few key facts on which the whole case turns - Underline these **KEY FACTS** in **GREEN**.
3. When you are writing, the key facts - the **GREEN** facts - are the **REASONS** which will **justify** your **BLACK**.

REDER BLACK, NOT BLACK

1. In reading 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.
2. There will probably only be one or three specific facts which were necessary for each rule.
3. If there were more than three facts, then the **GREEN**, not the **BLACK** facts you have just underlined to match the **BLACK** for which it was necessary.
4. For every **BLACK**, you should be able to underline the necessary **GREEN** - the facts - which must have been present at trial to prove the **BLACK** to be applied to this case.
5. Whenever a particular rule in a particular set of facts is the **BLACK**, the underlying facts **NEVER** have been proved to be not being applied; however, if the entire of your **BLACK** has simply not included all of the necessary facts to support all of the **BLACK**.
6. 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.



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.

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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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