

Case Law Elements

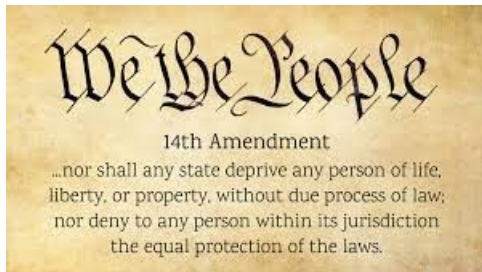


David A. Hughes, Ph.D.

Associate Professor
University of Louisiana at Lafayette
Department of Political Science

The case law

- The American system of law is adversarial and generates disputes.
- A court's interpretation of the law becomes part of the law itself.
- For example, what do the words, "equal protection," mean in the Fourteenth Amendment?
- The case law helps to address such an issue via precedent.



Cite as: 576 U. S. ____ (2015)

Case citation to US Reporter: "576" is the volume of the Reporter; "U.S." is the Reporter abbreviation; "____" is the p.# in the volume the case appears (here blank because it hasn't been printed yet)

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

Court deciding the case

SUPREME COURT OF THE UNITED STATES

Nos. 14–556, 14–562, 14–571 and 14–574

Docket numbers for the 4 consolidated cases. Taking the 1st one: "14" refers to the October 2014 term and "556" refers to the case number from that term.

This is the lead case in the consolidation, so the case is called *Obergefell v. Hodges*. *Obergefell* lost in the lower court, so he is listed as the petitioner (aka appellant). *Hodges* won in the lower court and is the respondent (aka appellee)

JAMES OBERGEFELL, ET AL., PETITIONERS
14–556 v.
RICHARD HODGES, DIRECTOR, OHIO
DEPARTMENT OF HEALTH, ET AL.;

VALERIA TANCO, ET AL., PETITIONERS
14–562 v.
BILL HASLAM, GOVERNOR OF
TENNESSEE, ET AL.;

APRIL DEBOER, ET AL., PETITIONERS
14–571 v.
RICK SNYDER, GOVERNOR OF MICHIGAN,
ET AL.; AND

GREGORY BOURKE, ET AL., PETITIONERS
14–574 v.
STEVE BESHEAR, GOVERNOR OF
KENTUCKY

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SIXTH CIRCUIT

[June 26, 2015]

This tells us where the case is appealed from (6th US Circuit) and how it got to SCOTUS (writ of certiorari). We also see the date the opinion was released.

The "opinion of the Court" is the one that settles the matter (i.e., picks a winner or establishes precedent). Anthony Kennedy wrote that opinion in this case.

JUSTICE KENNEDY delivered the opinion of the Court.

The Constitution promises liberty to all within its reach, a liberty that includes certain specific rights that allow

The beginning of Kennedy's opinion itself.

Legal elements of court decisions

- Generally, to understand a case, we need to know:
 - Key parties and facts
 - Legal issues/question(s)
 - Legal outcome/holdings(s)
 - Legal reasoning/rationale(s)
- Tips for briefing at QR code



Facts of the case

- Plaintiff/defendant; appellant/appellee
- Nature of the dispute or case/controversy (what's the conflict?)
- Procedural history



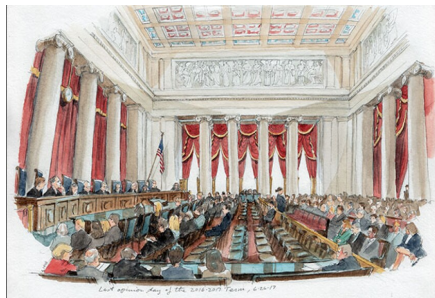
Legal questions

- What is (are) the key legal question(s) a court needs to answer?
- What legal text is the basis of a given question?
- Usually phrased as yes/no questions



Legal holdings

- The court's answer to the legal questions posed
- Often we note the vote breakdown (e.g., 6-3 or 5-4)
- At the appellate level, we often note the disposition as well (e.g., affirmed or reversed)



Legal rationale

- The hardest part of the brief—getting the logic to the majority/concurring/dissenting opinions
- Note the legal rule (e.g., the *Lemon* Test) and its application to the facts of the present case



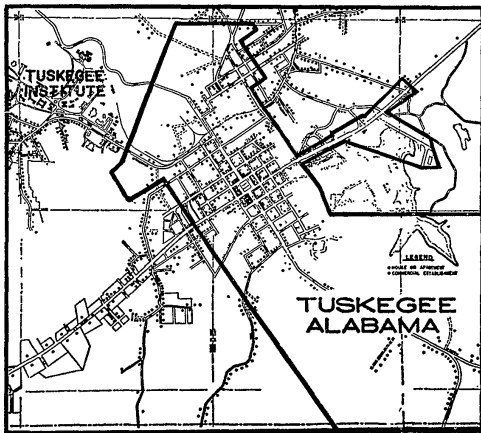
Other factors to possibly note

- Regular vs. special concurrences
- Judge votes that concur-in-part and dissent-in-part
- Vacancies or recusals
- Unsigned decisions
- Other unusual facts you find interesting



Practice briefing

- Let's take a look at *Gomillion v. Lightfoot* (1960)
- As you read, note (1) Facts, (2) Questions, (3) Holding, (4) Majority Rationale, and (5) Other Opinions



Conclusion

- In a common law system such as ours, the case law is part of the body of the law itself.
- Legal cases arise due to our system of adversarial justice (cases and controversies)
- Learning how to properly brief a case is a key skill to understanding the relevant issues at stake (facts, questions, holding, and rationale).
- We'll keep practicing these skills as the semester progresses.