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How To Brief A Case (Quickstudy: Law)

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HOW TO BRIEF A CASE
THE "MARSH 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

- The Four Color Method was developed by Prof. Thompson G. Marsh who was a Professor of Law at the University of Denver, College of Law, for 30 years.
- The Four Color method of book briefing will help you analyze and understand a case far more quickly than the traditional method - since you have tried a couple of times.
- While the Traditional Method requires that you take time to write out or underline key elements of a case, the Four Color Method requires only that you underline specific parts of a case - in specific colors.
- Both methods require critical analysis.

BENEFITS OF THE FOUR COLOR METHOD

- UNDERSTANDING SAVES TIME**
It is much faster to underline than to write.
- GREATER ACCURACY**
 - By underlining in your book, you are picking out what the judge actually said rather than your own translation of what the judge said.
 - After you have read several cases on the same topic, you will probably be far more confident about what you write at the beginning of understanding which of the judge's words were especially important.
 - By going back to the book to re-read, using the judge's own words, you will be able to make far more accurate distinctions between cases as your application on a particular topic matures.
- REVIEW FOR EXAMS**
Review for exams will be faster and more accurate if you review directly from the cases you have outlined in your book.

USE OF FOUR COLOR METHOD

- FIRST**
 - Read through the entire case, without underlining anything.
 - On your first reading, just make **black marks** in the margin beside things which you think are important.
 - By the time that you have underlined cases, quickly, you will understand the big picture - what the parties were fighting about, and who won.
 - Now 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**
 - To make the Four Color Method work, you must be extremely accurate and precise on your initial underlining.
 - 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 elements of the case.

SUMMARY OF FOUR COLOR METHOD

UNDERLINE IN:
RED - What and where the what
BLACK - The Black Letter Law which was applied
GREEN - The Facts which made the law apply
BLUE - Anything else especially important to the case

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

LOCATION

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

KEEP YOUR UNDERLINING SIMPLE

- Just underline who the parties were, what they wanted, and who won how much - at every level of the court system.
- RED** is basically just to indicate who was playing the ball game, what the stakes were, whether plaintiff was seeking damages, an injunction, or some other remedy, and finally, the score of the ball game (who won, and by how much).
- Since you will usually be reading appellate level cases in law school, you need to underline in **RED** who won at the trial court level, who won when the case was appealed to a higher level in the court system, and finally, who won in the version of the case you are reading - which will usually come from a state Supreme Court or the U.S. Supreme Court.
- At the end of virtually every case, the judge says "Reversed" or "Affirmed", and that should be underlined in **RED**.
- When you reach up to the Supreme Court's "Reversed" with what you have underlined in **RED** from the results at the lower court levels, you will have a clear picture of who won at each level - and who finally won the case.

SECTIONS OF EACH CASE

- In a long case, there may well be several sections in the case - with plaintiff raising one section and defendant raising another section.
- If the court tells you who has won for a particular section, by all means underline that in **RED** - even though it may be in the middle of the case.

RED IS IMPORTANT

- As you progress through law school, you will discover that if one of the parties in the case is changed, or a different remedy is sought, the whole outcome of the case may be different - learn to notice the **RED**.
- After you have underlined **WHO SUED WHOM 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

- This is basically the Black Letter Law of the case.
- The crucial thing here is to distinguish between the law which was actually applied, which is **BLACK** and able, which may include rules of law from other jurisdictions, discussion of historical development of the law, and similar things which are **NOT** the law for which this case could be cited and won, therefore, **NOT BLACK**.
- Remember: The law underlined in **BLACK** should be rules of law which you would point to as authority before even as the law for which this case could be cited.
- As an attorney, when you write an appellate brief you will usually tell the court what the existing law is by giving the court authority of **BLACK**.

DIFFERENT RULES

- You may find three or four rules of law in a single case.
- Underline each rule of law in **BLACK**.
- You may find that the court has stated several different rules, and has also stated essentially the same rule in three different places.
- When essentially the **SAME RULE** has been stated in three different places, circle which statement you think is the best and give that statement a number, (e.g. number "1") - then number the other statements of the same rule in number "2", "3", "4", and so forth to indicate the all of the various statements of the same rule are basically the same concept.
- Then find the rules which are **DIFFERENT CONCEPTS** from the first rule you have numbered and give each rule which states a different concept a different number (e.g. "2", "3", "4", and so forth).

TYPES OF RULES

- In almost every case you read, you will have some general rules, citing with weight of the authority, standard of review, and the like.
- You will also find several substantive rules, dealing with the requirements of a contract, the duties of a landlord, and such things.
- Underline in **BLACK** every rule which the court actually applies, and for which the case could be cited.
- The substantive rules will be the important ones for your classes in Contracts and Property.
- The procedural rules will be primarily important for Civil Procedure.
- Sometimes a Contract or Property case may rest its case on a procedural rule.

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

KEY FACTS

- Many of the facts described in a particular case are interesting, but of **NO LEGAL SIGNIFICANCE**.
- Usually there are only a few key facts, on which the whole case turns - Underline these **KEY FACTS** in **GREEN**.
- When you are an attorney, the key facts - the **GREEN** - will be the **EVIDENCE** which you must prove at trial.

REFER BACK TO BLACK

- In searching for 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.
- There will probably only be two or three specific facts which were necessary for each rule.
- Find these specific facts, underline them in **GREEN**, and number the **GREEN** if you have just underlined to match the **BLACK** to which it was necessary.
- For every **BLACK**, you should be able to underline the necessary **GREEN** - the facts - which must have been proven at trial to permit the **BLACK** to be applied to the case.
- Whenever a court applies law in a particular set of facts, the underlining facts **MUST** have been proven.
- Do not be totally open, however, if the rules of your textbook has simply not included all of the necessary facts to support all of the **BLACK**.
- 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

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!

I think I would recommend to beginners. I have never written a brief though I do work as a legal assistant. Reading this study guide has helped me understand the rules of writing a brief and how the color coordination is a great exercise to make is a smooth transition and keep a flow on your writing skills.

...this is a very useful system for presenting a position or illustrating an issue clearly and forcefully. The system uses colors to identify and separate items for clear, logical and persuasive writing. For non-legal use it takes a little bit of mental adapting but the method is very practical.

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.

As a paralegal, these notes come in handy. I like that it's not intense reading. Everything is at a glance. I don't do without them. I have the entire collection

Purchased to help with the paralegal program I'm doing. A great go to for an overview. Very happy with them!

obviously you won't get everything you need in a single page format, but this is a great tool to keep in your notebook to make sure that you are covering all points as you brief a case for class

I find the Quick study law guides to be a great value for the money. ...When you want to reference a fast reminder of the basics these condensed versions are handy...

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