Reading a typical case

Vocabulary

• Assault
• Battery
• Joint and several
• Liable
• Perpetrator
With a partner, try to answer these questions:

- Who are the parties in this case?
- What are the most important facts of the case? (In other words, what happened, “out in the world,” that led to this dispute?)
- What is the history of the case? (In other words, what has happened in the courts up until now? Who is bringing this action? What does he want?)

Now answer this question:

- What is the legal question the court needs to answer? Be as specific as you can.
More questions:

• What is the law and where does it come from in this case?
  • Remember, in common law, statutes are not the only source of law.
• What did the court decide?
• Why did the court decide the case the way it did?

Answers:
Parties:

• Eddie Laer, plaintiff-appellee.
• Bob Anedac, defendant-appellant

Facts:

• The important facts are those that the court needs in order to make its decision, for example:

  • Manny, Bob’s nephew, beat Laer while he was visiting Bob’s home. Once the attack started, Bob yelled “Kill him” and “Hit him more.” Bob did not physically assist in the beating.
History of the case, generally known as the procedural history:

• In order to understand a case, it is important to understand:
  • What the party which is bringing the action is asking for?
  • What legal theory are they basing their claims on?
  • Which party had the burden of proof in front of the court that is writing the opinion?

Procedural History:

• Here are the answers to some of these important questions:
  • Eddie Laer sued Bob Anedac and his nephew Manny for damages from battery.
  • The trial court found Bob jointly and severally liable with Manny.
  • Bob appealed.
  • The Court of Appeals affirmed the judgment.
Legal Question, generally known as the issue:

• In one sense, we could say that the question the court has to answer could be: “Is Bob jointly and severally liable for the battery?”

• But, if you read the case carefully, you will see that there is another more specific question that the court has to answer in order to decide if Bob is liable.

Issue:

• Did Bob’s action of yelling “Kill him” and “Hit him more,” make Bob jointly liable with Manny, even though he did not physically assist in the battery?

• Can you see why this is the legal question the court has to decide in order to determine the outcome of the case?
Ratio decidendi (holding)

• The holding or ratio decidendi is the answer to the question that you identified as the issue.

• This is the part of the case that can be a precedent for future cases.

• What do you think it is in this case?