

CASE BRIEF

How to Write a Case Brief

Here is a sample brief of the case of *Eric J. v. Betty M.* (Cal. Appellate Case 1999), which you read for homework 1. Note that *Facts* and *Rationale* make up the bulk of the case brief. The facts have been retold in the author's own words. Not all facts were recited. The *Rationale* explains the court's holding and what it means as a rule of law. It cites the case law as well as the public policy that the court applied. The *Rationale* also explains how the court dealt with a possible contrary case.

Facts

Robert brought home his new girlfriend, Helen, and her eight-year-old son, Eric, to meet his mother, father, brothers, and sister and their spouses. The relationship between Robert and Helen continued and Helen and Eric were guests several times in different family homes. No family member told Helen about Robert's criminal history of felony child molestation. It was later discovered that Robert sexually molested Eric during some of these visits at the family homes all the while Robert was on parole for child molestation. Robert was convicted of molesting Eric and sent back to prison. Helen filed suit against Robert's family claiming they had a duty to warn her about Robert's criminal past and the potential danger to her child, and failing that duty they were liable for money damages for the harm suffered by Eric. The trial court dismissed the case on a nonsuit motion.

Issue

Whether the trial court properly dismissed the negligence claim based on the premise that family members of a convicted child molester have no affirmative duty to disclose that information to the molester's girlfriend who has an eight-year-old boy.

Holding

The appellate court affirmed the trial court, holding that the family members had no affirmative duty to disclose the information.

Rationale

The appellate court placed great weight upon the "no duty to aid" rule, developed "over the centuries" in courts. The court noted that a special relationship is required to

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Legal Writing for International Students Susan Reid, 2005 Business letter writing including sample letters and useful phrases Legal writing instruction including contracts briefs irac format Reading and vocabulary building strategies Readings and writing exercises in legal contexts with a focus on law school preparation Essay structures and rhetorical modes Advanced grammar and exercises Research writing *Innovation in Methodology and Practice in Language Learning* Christopher Williams, 2015-09-04 This volume is composed of 24 papers originally presented as talks at the VIII National Conference of the Italian Association of University Language Centres Associazione Italiana dei Centri Linguistici Universitari AICLU held at the University of Foggia Italy between 30 May and 1st June 2013 The contributions fall into five sections 1 keynote addresses from plenary speakers 2 innovative challenges for language centres 3 new developments in teaching language for specific purposes 4 proposals and case studies in Content and Language Integrated Learning and 5 the use of new technologies in language learning 18 papers are in English four in Italian one in French and one in German The fact that three quarters of the papers are in English reflects the way English has become the lingua franca of academic conferences today However in keeping with the ethos of CercleS Conf d ration Europ enne des Centres de Langues de l Enseignement Sup rieur the pan European organisation to which AICLU belongs which is strongly committed to promoting plurilingualism it was crucial that contributions would also be accepted in other languages The volume represents the state of the art in the field of language teaching and theory in university language centres not only in Italy but also in other parts of Europe and the Mediterranean and testifies to the rich variety of ways in which these centres are adapting and thriving in rapidly changing times *IRAC Brief Book* K. G Press, 2021-06-15 Quickly brief any case for any law school course or legal practice with this IRAC formatted notebook Each three page spread includes a brief template with six sections Case name citation Facts Issue s Rule s Analysis and Conclusion The 6x9 notebook gives you enough room to brief cases so as to create your own essential study revision and reference guide for law school or legal practice Each notebook includes spreads for 50 cases along with a fillable table of contents for easy reference Perfect for those who do IRAC or other briefing methods Legal Theme Cover Matte Finish 6x9 Wide Ruled Notebook 50 Cases 160 Pages Minimalistic *A Writer's Reference with Writing in the Disciplines* Diana Hacker, Nancy Sommers, 2011-04-08 With Writing in the Disciplines Cover **Synthesis** Margaret Elizabeth McCallum, Christina L. Kunz, Deborah A. Schmedemann, 2003 Clear and Effective Legal Writing Veda Charrow, Myra K. Erhardt, Robert Charrow, 2001 This concise and highly accessible text continues to give students a classic introduction to Legal Writing Clear readable text effective sample documents and numerous exercises combined with a focus on the legal memorandum and brief reinforce the essential writing skills students must have Special Features walks students through the writing process beginning with an overview of legal analysis then moves on to understanding context logically organizing thoughts writing clearly and effectively reviewing and editing zeroes in on writing legal memorandums and

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The Legal Aspects of Industrial Hygiene and Safety Kurt W. Dreger, 2018-10-03 The Legal Aspects of Industrial Hygiene and Safety explores various legal issues that are often encountered by Industrial Hygiene and Safety managers during their careers A description is presented of the various legal concepts and processes that often arise in the IH S practice including tort contract and administrative law The goal is to provide IH S managers with sufficient knowledge to be able to incorporate legal risk analysis into everyday decision making and policy development This book will explore the legal issues that arise in IH S practice and will be helpful to new IH S managers as they progress in their careers FEATURES Explores various legal issues that are often encountered by Industrial Hygiene and Safety managers during their careers Provides insight into the legal issues and processes to IH S managers that are traditionally only available to attorneys Improves the IH S managers ability to communicate complex IH S issues to in house counsel Presents tools and knowledge to IH S managers so they can better consider the legal risks of the decisions they make Covers various legal concepts and processes that can arise in the IH S practice including tort contract and administrative law

A Handbook of Legal Education in Nigeria Emiri, Oghenemaro Festus, 2018-05-22 This book is on the nature and practice of legal education in Nigeria with comparative material sometimes deployed to shed light on current local situation The primary goal of legal education is to prepare students for the profession To do this a faculty will need to pay attention to a theory of learning to guide it in implementing a programme that will serve the mission It is hoped that the basic information here provided on the basic structure and content of legal education and ensuing challenges should point in more fruitful directions to all in the legal profession in Nigeria

Essentials of Lawyering Skills in Africa Festus Emiri, Ernest Owusu-Dapaa, 2020-07-01 In twenty two chapters divided into six parts for convenience the authors not only lay bare the art of lawyering but also provide invaluable nuggets of perfecting and excelling as a solicitor and advocate There is little doubt that the contents of this book dramatically make a lawyer especially the lawyer in Africa to be more effective more skilful and a proper lawyer useful to the client and society

The Pocket Guide to Legal Writing William H. Putman, 2006 This reference resource designed as a desk book for use by legal students practicing paralegals legal assistants and attorneys allows the user to quickly obtain answers to the most commonly encountered questions in legal writing

Legal Method and Writing Charles R. Calleros, 2002 By incorporating broad topical coverage case analysis study skills and appellate briefs Legal Method and Writing has proven its effectiveness to loyal users nationwide Some of the many strengths of this exceptionally clear and complete text after a comprehensive

introduction to legal analysis the book addresses different types of legal writing Writing in Law School Writing in the Law Office Advocacy Appellate Briefs Pretrial Advocacy and Writing to Parties connects legal analysis to the writing process and shows parallels between the analytic structure of office memoranda and that of a law student's case briefs course outlines and essay examination answers goes beyond the typical memo and brief to explain how to write pleadings motions contracts and letters the documents lawyers will write in practice excellent examples are often drawn from Contracts and Torts to make the material accessible to first year students illustrations exercises and assignments present diversity in ethnicity gender and sexual orientation practical exercises in the text give students an opportunity to sharpen their skills and additional exercises appear in the appendices Changes make the Fourth Edition a stronger teaching and learning tool new material on the ALWD manual and the 17th edition of the Bluebook in the citation chapter completely updated with new examples illustrations and supporting citations including exercises based on the author's popular teaching demonstrations carefully edited to control length and increase efficiency

Research Methods and Design in Sport Management Damon P.S. Andrew, Paul M. Pedersen, 2011-02-17 Research Methods and Design in Sport Management explains research design implementation analysis and assessment criteria with a focus on specific procedures unique to the discipline of sport management The text is an invaluable resource for students and practitioners in sport management because it focuses on applied research for organizational purposes and the qualitative and quantitative methodologies pertinent to the field of sport management Organized in four parts Research Methods and Design in Sport Management begins with an introduction to concepts in sport management research and a discussion of the ethical issues associated with research projects The text outlines the steps to the research process making it an easy to use guide for professionals undertaking a research project as well as students writing major term papers theses or dissertations Analysis of research design with discussion of specific methods used in qualitative quantitative and mixed methods research helps readers to determine and design the most appropriate research for their specific needs This text teaches readers the following concepts and skills How to conduct a thorough literature review Theoretical and conceptual frameworks to guide the research process How to develop appropriate research questions and hypotheses Techniques for conducting qualitative quantitative and mixed methods research Methods for analyzing data and reporting results Multiple special elements in each chapter including learning objectives summaries suggested advanced readings and highlight boxes guide readers through challenging concepts A chapter dedicated to legal research in sport management provides a nonintimidating discussion of the unique elements evident in sport law research such as legal precedence case briefing and special writing elements Examples of published research in sport management illustrate ways in which various methodological tools and techniques can be used in answering research questions Research in Action sections present excerpts from the Journal of Sport Management which highlight research components mentioned in the text and assist students in learning how to read and evaluate research In addition all research examples provided

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A Practical Guide to Appellate Advocacy Mary Beth Beazley, 2006 This accessible paperback earned its success in the classroom by providing a complete introduction to the techniques and process of writing appellate briefs presenting class tested materials and ample illustrations that are both accessible and teachable emphasizing the process approach to writing beginning with large scale issues like content and organization moving to smaller scale issues like signals to the reader and ending on the smallest scale concerns of format and polishing methods using numerous annotated examples both good and bad of legal writing from briefs with commentary on the point each example is illustrating including in the appendices four sample briefs with annotations that identify strengths of the brief and or why the writer chose a particular technique teaching students how abstract formulas IRAC CREXAC etc can be effective in legal writing by having them identify whether certain elements have been included in a document and giving concrete advice on how to use formulas encouraging students to critique their own work and improve their final product by using the self graded draft The Second Edition is strengthened by including format and function information about dispositive motion memos such as motions to dismiss or for summary judgment along with a sample motion memo refining the discussion of the use of authority to help students better understand what a citation means improving the discussion of CREXAC to facilitate easier comprehension of how to use formulas to write effectively adding the concept of user to complement the concept of reader and explaining the needs of both groups supplying more information on identifying a theme for the argument including tips on citing to web pages and citing to unpublished opinions

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Advanced Legal Writing and Oral Advocacy Michael D. Murray, Christy Hallam DeSanctis, 2009 The Murray and DeSanctis titles are designed for the current generation of law students whose familiarity and comfort with on line and computer based learning create a demand for teaching resources that take advantage of that familiarity and comfort level Advanced Legal Writing and Advocacy Trials Appeals and Moot Court is designed for second

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Table of Contents Irac Case Brief Sample Format

1. Understanding the eBook Irac Case Brief Sample Format
 - The Rise of Digital Reading Irac Case Brief Sample Format
 - Advantages of eBooks Over Traditional Books
2. Identifying Irac Case Brief Sample Format
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Irac Case Brief Sample Format
 - User-Friendly Interface
4. Exploring eBook Recommendations from Irac Case Brief Sample Format
 - Personalized Recommendations
 - Irac Case Brief Sample Format User Reviews and Ratings
 - Irac Case Brief Sample Format and Bestseller Lists

5. Accessing Irac Case Brief Sample Format Free and Paid eBooks
 - Irac Case Brief Sample Format Public Domain eBooks
 - Irac Case Brief Sample Format eBook Subscription Services
 - Irac Case Brief Sample Format Budget-Friendly Options
6. Navigating Irac Case Brief Sample Format eBook Formats
 - ePub, PDF, MOBI, and More
 - Irac Case Brief Sample Format Compatibility with Devices
 - Irac Case Brief Sample Format Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Irac Case Brief Sample Format
 - Highlighting and Note-Taking Irac Case Brief Sample Format
 - Interactive Elements Irac Case Brief Sample Format
8. Staying Engaged with Irac Case Brief Sample Format
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Irac Case Brief Sample Format
9. Balancing eBooks and Physical Books Irac Case Brief Sample Format
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Irac Case Brief Sample Format
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Irac Case Brief Sample Format
 - Setting Reading Goals Irac Case Brief Sample Format
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Irac Case Brief Sample Format
 - Fact-Checking eBook Content of Irac Case Brief Sample Format
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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