

Writing Case Notes (Law)

Introduction

1. Statement of task. What is this assignment? “This case note provides a critical analysis of...”
2. Brief background of the facts of the case, when it happened, the court in which it took place, its significance, etc.
3. Road main of the main points covered in the body paragraphs: a) the facts of the case; b) the decision and the *ratio decidendi*; c) analysis of the case.
4. Key findings of analysis. What are the “big takeaways” from this case? What can you say/ argue about the judgement made and its impact?

Body Paragraph 1: The Facts of the Case

1. The facts of the case that are relevant to the court’s reasoning, i.e. do not give details of the entirety of the case.
2. The decision(s) made by the court.
3. The impact pe effects of the court’s decision(s).

Body Paragraph 2: The Decision and the *Ratio Decidendi*

1. Outline of the reasoning behind the decision in court arguments.
2. Details regarding the case law that the court relied on.
3. Details regarding the case law that the court moved away from.
4. Reasoning for the decisions made re: 2 and 3 (this reveals the attitude of courts re: the issue at hand).

Body Paragraph 3: Analysis

This is the most important section! It should be given the most time/space in the assignment. Critically analyse the decision of the court and the effect it had on the law:

1. Did the judgement differ in any way or depart from previous decisions? Did it follow some aspects of previous decisions? How so, and why/ why not?
2. How does the judgement compare with both local and international precedents?
3. To what extend does the judgement reflect political/ economic/ cultural tensions of the time?
4. Does the judgement acknowledge (or fail to acknowledge) any legal or extra-legal repercussions it may have?
5. Has the judgement failed to address any important questions, or aspects of the case?
6. Does/ did the judgement have a lasting impact or is it open to appeal/ has it been appealed?
7. Was the judgement sound? Why/ why not? (Overarching key findings).

Conclusion

1. Brief summary of the decision, the flaws, and the achievements of the case and judgement.
2. Restatement of your key findings (not verbatim).
3. Concluding remarks re: effect of the case on that area of law and how future cases might be impacted.