

Rubric: How to analyze a judicial decision (case).

1. **Title**
The title of the case is usually found at top of the opinion. It usually consists of the name of the first (usually listed in alphabetical order) plaintiff and the first defendant. The names may be reversed in appellate decisions depending upon which party filed the initial appeal.
2. **Plaintiff(s)**
This is the party that started the lawsuit. There may be one or more plaintiffs. In an administrative decision, and in some appellate decisions, this party may be designated as the 'Petitioner'.
3. **Defendant(s)**
This is the party that the plaintiff is suing. There may be one or more defendants. (There additional parties that we will discuss in class; however, you do not need to list these parties in your case analysis.) In an administrative decision, and in some appellate decisions, this party may be designated as the 'Respondent'.
4. **Court**
This is the name of the court that wrote the opinion. The complete name of the court should be included. Example: "United State Court of Appeals, Eleventh Circuit". All of this information is needed to properly identify the court. "United States" indicates a federal court (not a state court). "Court of Appeals" means that this is an appellate court (not a trial court). "Eleventh Circuit" identifies the geographic region from which the court has jurisdiction to hear cases. North Carolina is in the Fourth Circuit that also includes Maryland, South Carolina, Virginia, and West Virginia.
5. **Statement of the Facts**
This should be about a paragraph long and should succinctly summarize the facts of the case that bear on the issue and the holding in the case.
6. **Issue**
This is the issue (or issues) that will be decided in the opinion. It is not always the issue to be decided in the case. There may be more than one issue. The issue should always be stated in the form of a question, *i.e.*, "**Whether ...**". Where there is more than one issue, each issue should be numbered.
7. **Procedural posture**
This describes the **history** of how the court came to the issue. For example, a case could be an appeal by the losing party in a jury trial, or the case could be the published opinion of the trial court. Cases must be read carefully to determine how the case came to the court. You should describe here how the court(s) below (if any) decided the dispute.
8. **Disposition**
This describes what this court did with this case. For example, did the court send the case back to a trial court for a new trial, or did it uphold the trial court's decision to dismiss the case. It could also reverse.
9. **Holding**
This is the mirror image of the issue. It answers the question(s) that was(were) raised in the issue. It is this part of the opinion, and only this part, that makes new law. Note the distinction between how courts make law and how legislatures make law. If it appears

that the court has usurped the legislative function in its decision, please so note in your analysis of the court's holding. Where there is more than one issue, each holding should be numbered with the same number as the corresponding issue.

Each case analysis is worth 10 points.

Factors considered in grading the paper:

- Were the instructions in this rubric followed?
- Did the student use standard business grammar and proper spelling?
- Did the student understand the decision?
- Was the opportunity to correct the case analysis in class (or for internet students, the opportunity to use the Elluminate session) productively used?
- Were quotations, if used, appropriate to the analysis?
- Was the analysis of reasonable length (1 or 2 pages)?
- Was handwriting, if any, legible?

Last updated January 4, 2010