Writing Case Notes: a very brief guide

A case note provides a brief analysis of a case, identifying and examining the key elements of the decision, as well as placing the case in its wider legal and social context.

Writing a case note

We recommend using the F I J I approach when planning your case note.

F: Facts

Start by setting out the material (that is, important) facts. Keep it concise. Focus on the facts that you need to know in order to understand the case.

If you’re dealing with an appeal case, summarise the procedural history. Very briefly explain what happened in the court(s) below, i.e. the claim that was made and what the court decided.

I: Issues

Set out the legal issues (or questions of law) that were discussed in the case.

Remember that there is a difference between questions of law and questions of fact.

Questions of law address how the law can be applied to the facts of the case (e.g. whether hitting someone amounts to battery), while questions of fact address what actually happened (e.g. whether there is evidence to show that the defendant did actually hit the victim).

You’re likely to be interested in questions of law for the purposes of your legal studies.

J: Judgment(s)

You’ll need to explain how the judge(s) reached their decision, analysing their use of precedent, statute and/or policy considerations.

Be sure to highlight any dissenting judgments or differences of opinion among the judges.

You need to identify the ratio decidenti and any obiter dicta.

The ratio(nes) is the reason(s) for the decision, i.e. the legal principle which, when applied to the facts of the case, led the judge(s) to reach their decision.

Comments made obiter are points of law that are not necessary to decide the outcome of the case, but they could be influential in future cases (and can provide a starting point for the next section).

I: Impact

This is your chance to evaluate the judgment. Consider the legal and social impact it could have.

Does it leave questions unanswered or create vagueness? Are there problems in the judges’ reasoning? Would adopting a different perspective (e.g. feminist) have led to a better decision?

Research relevant cases, articles or books to support your arguments.

The amount of time and space you dedicated to each of the above will depend on the particular assessment. Make use of any additional advice or instructions provided within each module.