

## UNSW Law Society

### Educational Portfolio Workshops

#### Legal Knowledge Series: Understanding a Case

#### Sources of Information

- **Textbooks:** to categorise and detail particular area of law; allows one to orientate the topic and where the case fits; in some ways like an encyclopaedia; can inform and alert you on some matters, but if you want more info you need to read a case.
- **Casebook:** focuses and gives extracts on cases; might only give framing paragraph (which is very important to read)
  - Note that you only get the highlights of the case from the extract – don't get entire picture.
- **Articles:** can point out the most important and salient points of a case – can save you time in reading a case; gives the big picture; can also provide information for essay component of assessments.
- **Summaries:** give brief summaries and some commentary to cases; don't rely on them solely; provides a good guide.

#### Reading a Judgement

##### *Structure*

- State the facts of the case
- States the prior proceedings
- Summarises the legal issues raised by counsel for each party
- Examines whether previous cases or statutes as argued by Counsel should be applied, followed or distinguished in the present case
- States the legal principle or rule to be applied
- Applies this principle to the facts of the case
- States which side has 'won' and what action is to follow

##### *A Method of Reading and Notetaking*

1. Read the headnote for an overall summary
2. Read the end of the case for the decision
3. Read for the material facts
4. Read for the prior proceedings
5. Read for the legal issues
6. Read for the legal reasoning used in the judgment
7. Read for the ratio
8. Read the whole case

#### Case Notes

	<i>Part A – Summary (40%)</i>	<i>Part B – Commentary (60%)</i>
Content	<ul style="list-style-type: none"> <li>• What are the material facts?</li> <li>• Who are the parties?</li> </ul>	<ul style="list-style-type: none"> <li>• Significant?</li> <li>• Interesting?</li> <li>• Comparative?</li> </ul>

	<ul style="list-style-type: none"> <li>• When did it happen/which court?</li> <li>• What are the prior proceedings?</li> <li>• What was the result?</li> <li>• What is the legal issue(s)?</li> <li>• What is the legal reasoning?</li> <li>• What is the ratio(s)?</li> <li>• What is the obiter?</li> </ul>	<ul style="list-style-type: none"> <li>• Contextualise: <ul style="list-style-type: none"> <li>○ Rule of law?</li> <li>○ Separation of powers?</li> <li>○ Parliamentary supremacy?</li> <li>○ Doctrine of precedent?</li> <li>○ Statutory interpretation?</li> <li>○ Duty of care?</li> <li>○ economic, political, social, legal impacts?</li> </ul> </li> </ul>
Format	<ul style="list-style-type: none"> <li>• Not essay format</li> <li>• Paragraph structure</li> <li>• Demonstrate understanding of the case</li> </ul>	<ul style="list-style-type: none"> <li>• Essay format</li> <li>• Paragraph structure (use both evidence (their voice) and evaluation (your voice))</li> <li>• Sub-headings</li> <li>• Introduction and conclusion</li> <li>• Research</li> </ul>
<b>Use the AGLC for Footnotes and Bibliography</b>		

#### Ways to Summarise Cases for Exams or Assignments

- **I = Legal issue**
- **M = material facts**
- **R = rule/principle**
- For big cases, also have Legal reasoning
- Dissent can also be important

*\*Keep a look out for the exam note-taking workshop in Week 10 where we will be demonstrating how to effectively take notes that is concise yet comprehensive for your open-book exams.*

If you have any questions, please contact the Academic Development Team via [academicsupport@unswlawsoc.org](mailto:academicsupport@unswlawsoc.org)

With thanks to Dr Dominic Fitzsimmons.