

## APPENDIX A

# How to Brief Cases and Analyze Case Problems

### How to Brief Cases

To fully understand the law with respect to business, you need to be able to read and understand court decisions. To make this task easier, you can use a method of case analysis that is called *briefing*. There is a fairly standard procedure that you can follow when you “brief” any court case. You must first read the case opinion carefully. When you feel you understand the case, you can prepare a brief of it.

Although the format of the brief may vary, typically it will present the essentials of the case under headings such as the following:

1. **Citation.** Give the full citation for the case, including the name of the case, the date it was decided, and the court that decided it.
2. **Facts.** Briefly indicate (a) the reasons for the lawsuit; (b) the identity and arguments of the plaintiff(s) and defendant(s), respectively; and (c) the lower court’s decision—if appropriate.
3. **Issue.** Concisely phrase, in the form of a question, the essential issue before the court. (If more than one issue is involved, you may have two—or even more—questions here.)
4. **Decision.** Indicate here—with a “yes” or “no,” if possible—the court’s answer to the question (or questions) in the *Issue* section above.
5. **Reason.** Summarize as briefly as possible the reasons given by the court for its decision (or decisions) and the case or statutory law relied on by the court in arriving at its decision.

### An Example of a Briefed Sample Court Case

As an example of the format used in briefing cases, we present here a briefed version of the sample court case that was presented in Chapter 1 in Exhibit 1–6.

#### ROSA AND RAYMOND PARKS INSTITUTE FOR SELF DEVELOPMENT v. TARGET CORPORATION

United States Court of Appeals, Eleventh Circuit, 812 F.3d 824 (2016).

**FACTS** In December 1955, on a bus in Montgomery, Alabama, Rosa Parks refused to give up her seat to a white man in violation of the city’s segregation law. This “courageous act” sparked the modern civil rights movement. Parks’s role in “the most significant social movement in the history of the United States” has been chronicled in books and movies, and featured on

mementoes, some of which are offered for sale by Target Corp. The Rosa and Raymond Parks Institute for Self Development is a Michigan firm that owns Parks’s name and likeness. The Institute filed a suit in a federal district court against Target, alleging misappropriation in violation of the Institute’s right of publicity. The court dismissed the complaint. The Institute appealed to the U.S. Court of Appeals for the Eleventh Circuit.

**ISSUE** Are Target’s sales of books, movies, and other items that depict or discuss Rosa Parks and the modern civil rights movement protected by Michigan’s common-law qualified privilege?

**DECISION** Yes. The U.S. Court of Appeals for the Eleventh Circuit affirmed the lower court’s decision to dismiss the Institute’s complaint. The items offered for sale by Target that feature or discuss Rosa Parks and her role in history are protected by Michigan’s qualified privilege protecting matters of public interest.

**REASON** Michigan’s common-law right of publicity prohibits the commercial use of a person’s name or likeness without his or her consent. But this privacy right has limits. It “must yield to the qualified privilege to communicate on matters of public interest.” The court recognized that “Rosa Parks is a figure of great historical significance and the civil rights movement a matter of legitimate and important public interest.” The items identified by the Institute and sold by Target are “*bona fide* works” discussing Parks and her role in the modern civil rights movement. The items “communicate information, express opinions, recite grievances, and protest claimed abuses on behalf of a movement whose existence and objectives continue to be of the highest public interest and concern.” Therefore, they fall within Michigan’s qualified privilege.

### A Review of the Briefed Sample Court Case

Here, we provide a review of the briefed case to indicate the kind of information that is contained in each section.

**CITATION** The name of the case is *Rosa and Raymond Parks Institute for Self Development v. Target Corporation*. The Rosa and Raymond Parks Institute for Self Development is the plaintiff. Target is the defendant. The U.S. Court of Appeals for the Eleventh Circuit decided this case in 2016. The citation states that this case can be found in Volume 812 of the *Federal Reporter, Third Series*, on page 824.

**FACTS** The *Facts* section identifies the plaintiff and the defendant. It also describes the events leading up to this suit and the allegations made by the plaintiff in the suit. Because this case is a decision of one of the U.S. courts of appeals, the lower court's ruling, the party appealing, and sometimes the appellant's contention on appeal are included here.

**ISSUE** The *Issue* section presents the central issue (or issues) decided by the court. In this case, the court considers whether the sales of books and other items that depict or discuss Rosa Parks and the modern civil rights movement are protected by Michigan's common-law qualified privilege.

**DECISION** The *Decision* section includes the court's decision on the issues before it. The decision reflects the opinion of the judge or justice hearing the case. In this case, the court decided that the items offered for sale focusing on or featuring Rosa Parks and her role in history fall within Michigan's qualified privilege, which protects depictions and discussions of matters of public interest. Decisions by appellate courts are frequently phrased in reference to the lower court's decision. That is, the appellate court may "affirm" the lower court's ruling or "reverse" it. A case may also be remanded, or sent back to the lower court, for further proceedings.

**REASON** The *Reason* section includes references to the relevant laws and legal principles that the court applied in coming to the conclusion arrived at in the case. The relevant law here includes Michigan's common-law qualified privilege protecting the use of others' names and likenesses in depictions and discussions of matters in the public interest. This section also explains the court's application of the law to the facts in this case.

## Analyzing Case Problems

In addition to learning how to brief cases, students also find it helpful to know how to analyze case problems. Part of the study of business law and the legal environment usually involves analyzing case problems, such as those included in this text at the end of each chapter.

For each case problem in this book, we provide the relevant background and facts of the lawsuit and the issue before the court. When you are assigned one of these problems, your job will be to determine how the court should decide the issue, and why. In other words, you will need to engage in legal analysis and reasoning. Here, we offer some suggestions on how to make this task less daunting. We begin by presenting a **SAMPLE PROBLEM**:

While Janet Lawson, a famous pianist, was shopping in Quality Market, she slipped and fell on a wet floor in one of the aisles. The floor had recently been mopped by one of the store's employees, but there were no signs

warning customers that the floor in that area was wet. As a result of the fall, Lawson injured her right arm and was unable to perform piano concerts for the next six months. Had she been able to perform the scheduled concerts, she would have earned approximately \$60,000 over that period of time. Lawson sued Quality Market for this amount, plus another \$10,000 in medical expenses. She claimed that the store's failure to warn customers of the wet floor constituted negligence and therefore the market was liable for her injuries. Will the court agree with Lawson? Discuss.

## Understand the Facts

This may sound obvious, but before you can analyze or apply the relevant law to a specific set of facts, you must clearly understand those facts. In other words, you should read through the case problem carefully—more than once, if necessary—to make sure you understand the identity of the plaintiff(s) and defendant(s) in the case and the progression of events that led to the lawsuit.

In the sample case problem just given, the identity of the parties is fairly obvious. Janet Lawson is the one bringing the suit; therefore, she is the plaintiff. Quality Market, against whom she is bringing the suit, is the defendant. Some of the case problems you may work on have multiple plaintiffs or defendants. Often, it is helpful to use abbreviations for the parties. To indicate a reference to a plaintiff, for example, the *pi* symbol— $\pi$ —is often used, and a defendant is denoted by a *delta*— $\Delta$ —a triangle.

The events leading to the lawsuit are also fairly straightforward. Lawson slipped and fell on a wet floor, and she contends that Quality Market should be liable for her injuries because it was negligent in not posting a sign warning customers of the wet floor.

When you are working on case problems, realize that the facts should be accepted as they are given. For example, in our sample problem, it should be accepted that the floor was wet and that there was no sign. In other words, avoid making conjectures, such as "Maybe the floor wasn't too wet," or "Maybe an employee was getting a sign to put up," or "Maybe someone stole the sign." Questioning the facts as they are presented only adds confusion to your analysis.

## Legal Analysis and Reasoning

Once you understand the facts given in the case problem, you can begin to analyze the case. The IRAC method is a helpful tool to use in the legal analysis and reasoning process. IRAC is an acronym for Issue, Rule, Application, Conclusion. Applying this method to our sample problem would involve the following steps:

1. First, you need to decide what legal **issue** is involved in the case. In our sample case, the basic issue is whether Quality Market's

failure to warn customers of the wet floor constituted negligence. As discussed in the text, negligence is a *tort*—a civil wrong. In a tort lawsuit, the plaintiff seeks to be compensated for another’s wrongful act. A defendant will be deemed negligent if he or she breached a duty of care owed to the plaintiff and the breach of that duty caused the plaintiff to suffer harm.

2. Once you have identified the issue, the next step is to determine what **rule of law** applies to the issue. To make this determination, you will want to review carefully the text of the chapter in which the relevant rule of law for the problem appears. Our sample case problem involves the tort of negligence. The applicable rule of law is the tort law principle that business owners owe a duty to exercise reasonable care to protect their customers (“business invitees”). Reasonable care, in this context, includes either removing—or warning customers of—*foreseeable* risks about which the owner *knew* or *should have known*. Business owners need not warn customers of “open and obvious” risks, however. If a business owner breaches this duty of care (fails to exercise the appropriate degree of care toward customers), and the breach of duty causes a customer to be injured, the business owner will be liable to the customer for the customer’s injuries.
3. The next—and usually the most difficult—step in analyzing case problems is the **application** of the relevant rule of law to the specific facts of the case you are studying. In the sample problem, applying the tort law principle just discussed presents

few difficulties. An employee of the store had mopped the floor in the aisle where Lawson slipped and fell, but no sign was present indicating that the floor was wet. That a customer might fall on a wet floor is clearly a foreseeable risk. Therefore, the failure to warn customers about the wet floor was a breach of the duty of care owed by the business owner to the store’s customers.

4. Once you have completed Step 3 in the IRAC method, you should be ready to draw your **conclusion**. In our sample problem, Quality Market is liable to Lawson for her injuries, because the market’s breach of its duty of care caused Lawson’s injuries.

The fact patterns in the business scenarios and case problems presented in this text are not always as simple as those presented in our sample problem. Often, for example, a case has more than one plaintiff or defendant. A case may also involve more than one issue and have more than one applicable rule of law. Furthermore, in some case problems the facts may indicate that the general rule of law should not apply.

For example, suppose that a store employee advised Lawson not to walk on the floor in the aisle because it was wet, but Lawson decided to walk on it anyway. This fact could alter the outcome of the case because the store could then raise the defense of assumption of risk. Nonetheless, a careful review of the chapter text should always provide you with the knowledge you need to analyze the problem thoroughly and arrive at accurate conclusions.