

WRITING CASE BRIEFS AND REACTION SUMMARIES

The case briefs and reaction summaries required in this course must follow a prescribed format. The first portion follows a traditional legal briefing style in which you identify the following elements:

1. Identification of the Case
2. Action Sought
3. Facts of the Case
4. Questions to be Answered by the Court(s)
5. Answers Given by the Court
6. Reasons for that Answer
7. Significance of the Case

Following this section, you should provide an extended discussion of what you believe to be the significance of this case. This section is your opportunity to apply problem analysis and judgment skills from your own personal perspective and experiences. The sample on the following page is provided as an example for the format to be used in completing the Case Brief and Reaction Summary assignments.

Samples of different level of law case citations.

- 1) 521 S. W.2d 76 (Ky. 1975) -- Vol. 521, South Western Reporter, second series, page 76; case heard in Kentucky Supreme Court in 1975
- 2) 384 U.S. 11, 86 S. Ct. 1238 (1966) -- Vol. 384, United States Reporter, page 11; or Vol. 86, Supreme Court Reporter, page 1238; case heard in Supreme Court in 1966
- 3) 337F. Supp. 934 (1972) -- Vol. 337, Federal Supplement, page 934; case heard in federal district court in 1972
- 4) 21 Ed. Law 334 (Minn. App. 1984) -- Vol. 21, Education Law Reporter, page 334; case heard in Minnesota Court of Appeals in 1984
- 5) 10 Cal.3d 60, 109 Cal. Rptr. 676, 513 P.2d 900 (1973)
-- Vol. 10, California State Reporter, third series, page 60;
or Vol. 109, California Reporter, page 676;
or Vol. 513, Pacific Reporter, second series,

Format for Briefs:

Brief

1. Identification of the Case: Thomas v. Central City School Board, 410 N.W.2d 825 (Minn. 1987)
2. Action Sought: Damages
3. Facts of the Case: During an egress from the school building, a member of the class under the supervision of Karen H. Gardner was hit, fell and was injured.
4. Question to be Answered by the Court: Was the defendant, the school principal or the teacher negligent?
5. Answer(s) Given by the Court(s): Lower Court - School Board and Teacher, no; principal, yes. Appellate Court - Affirmed (same decision). Supreme Court - No negligence.
6. Reasons: (1) The principal had well planned scheme to govern egress and ingress of pupils; (2) he talked with teachers, parents, and pupils concerning his plan; (3) he personally supervised much class movement. (4) The teacher was competent, and only a freak circumstance prevented her from being and governing class movement the day of the accident.
7. Significance of the Case [for schools]

In this portion, you write a narrative summary describing your own impressions of the significance/importance of this case. Generally, it should be no more than six paragraphs in length. ... (Limit the brief and reaction summary to one page. Single spaced.)

SAMPLE BRIEF

Citation: *Simms v. Sch. Dist. No. 1, Multnomah Co.*, 508 P.2d 236 (Ore. 1973)

Topic: Assault and Battery

Relief Sought: Student brought action to recover damages against school district and one of its teachers for assault and battery.

Issue(s): (1) Did teacher wantonly shove student into door? (2) May teacher use reasonable force to move a disruptive child from the classroom? (3) Did the trial judge err in instructions to the jury?

Facts: Plaintiff, Richard Simms, 14, brought action for assault and battery against district and a teacher, Marvin Weitz, alleging that he was wantonly shoved into a door and glass window, breaking the window and injuring his arm. Defendant denied the allegations and said that while plaintiff was being removed from the classroom by reasonable force, the incident occurred, but that it was within the teacher's right to do so. Plaintiff demurred to teacher's defense; court overruled the demurrer. Case went to a jury which returned a verdict in favor of both defendants. Plaintiff appealed. Plaintiff was enrolled in a "model" school for disadvantaged, and had a poor record.

Finding of the Trial Court: For defendant school district and teacher.

Finding of the Appellate Court: Court of Appeals affirmed the court below.

Reasoning: Teachers may use reasonable force to remove a child from the classroom if he is a disruptive element therein. The district's regulation on corporal punishment read in part: "Except in the event of forcible and physical resistance to the teacher's authority, corporal punishment shall be administered only after the teacher has procured in advance the approval of the principal." The issue of whether or not the student offered "forcible and physical resistance to the teacher's authority" was for the jury to decide. The judge told the jury that it was for it to decide whether or not the teacher used reasonable force within the meaning of the regulation. A teacher stands in *loco parentis* to the child, and shares the parents' right to obtain obedience to reasonable demands by force. In *Ware v. Estes*, 328 F.Supp. 657 (TX 1971), affirmed, 458 F2d 1360 (1972) the federal courts held that corporal punishment is not cruel and inhuman treatment under the Eighth Amendment. We hold that the child has no constitutional grounds to object to corporal punishment so long as they are reasonable, properly administered and so as not to cause harm, and are legally authorized. Nor do we consider as inadmissible the teacher's written report prepared on the day of the act for his principal on grounds that it is self-serving. The teacher was subject to cross examination regarding all aspects of the report, including its authenticity and reliability and accuracy. Clearly the court did not abuse its discretion in this case.

Significance: Teachers owe students a duty for their care and safety. But they must also have the authority to maintain good order in the classroom, requiring students to perform their duties. A teacher does not breach his duty to the child where, as a result of disruptive behavior, the student must be removed from the room, so long as the force used is reasonable, legally permitted, and does not leave lasting injury to the student.