Reading Case Law

Being able to read and summarise cases assists you in developing sound legal reasoning skills and developing your understanding of the law.

In Claire Macken, *The Law Student’s Survival Guide: 9 Steps to Law Study Success*, Thomson Reuters, 2009 she suggests the following:

Reading a case is easier and less tedious if you put the decision in context *before starting to read*. This means **reading with purpose**.

- Flick through and see how long the case is.
- Work out the court – single judge, an appeal court? Where in the hierarchy? Australian?
- Look at the year the case was decided.
- Work out from the case: how many judges? Do you recognise the names? Are they joint judgements or individual judgments? Who is first? Who is longest? Which judge in dissent?

As well as reading the case with purpose a **preliminary assessment** of the case can also be very useful.

- Is this a major case within the area of law you are researching? Is this just perhaps a minor case providing an example of a particular legal proposition?
- For longer cases it may be helpful to read a summary of the case before you read the case itself. What are you looking for when you read the case? What answer/s do you need from it?
- **Read the facts.** Once you have read the summary start to determine the important information. Who is suing whom? Why are they suing? What is their complaint? What remedy are they looking for?
- **Work out the issue.** What is the issue/s in dispute? Why have the facts of the dispute given rise to particular legal issue/s? Read the judgement and identify the law and how the law was applied to the facts of the case.
- **The Secret.** You don’t need to labour over every word, painstakingly understanding everything the judge/s has said.
- Try to find the most important parts of judgment relevant to your legal question. When you read that area of the judgment slow down your reading and switch to active reading. Think! Does this answer my question? What is the judgment saying? How has the judge explained this legal principle? How does it relate to the facts of the case? At this point write a clear summary of the case.