

**Tuesday, March 9, 2021** (class 11 of 30!!)

**Today:**

- How to read a case! *Novkov article & People v. Neulander*
- Quiz #2! *at end of class*

**By end of today:** Email me dates for oral presentation!! *or I will assign them.* ☹

**For next class** (Th. March 11): Read textbook ch. 18 (case briefing) pp. 347-355, including sample case & brief.

**Th. March 18: MIDTERM EXAM!!**

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**Stare decisis** = Latin! *for* "let the decision stand"

- Legal doctrine (policy, rule) that, once an issue has been decided, it should not be revisited (it should "stand").
- That decision then becomes **precedent**:
  - It *preceded* later, similar cases.
  - Now, binding law on lower courts deciding similar cases.
  - Persuasive on all others! *They may follow out of comity.*
  - Unless changed circumstances warrant a different outcome.
- Encourages stability and predictability in legal system.

***From J. Novkov, "How to Read a Case":***

**1. What is the background of the case?**

*Including* where is it from? When was it decided? What level of court?

**2. What are the facts of the case?**

*Including* who are the parties? What happened, that brought them into court? What are their claims/defenses? What remedy does the appellant seek?

**3. What is the legal question in the case and how does the court answer it?**

Question is the "issue"; answer is the "holding" *in a case brief.*

**4. What reasoning supports the court's decision?**

*Including* what, at bottom, does the case really seem to be about? (What does the court really care about?)