

CASE BRIEF

How to Write a Case Brief

Here is a sample brief of the case of *Eric J. v. Betty M.* (Cal. Appellate Case 1999), which you read for homework 1. Note that *Facts* and *Rationale* make up the bulk of the case brief. The facts have been retold in the author's own words. Not all facts were recited. The *Rationale* explains the court's holding and what it means as a rule of law. It cites the case law as well as the public policy that the court applied. The *Rationale* also explains how the court dealt with a possible contrary case.

Facts

Robert brought home his new girlfriend, Helen, and her eight-year-old son, Eric, to meet his mother, father, brothers, and sister and their spouses. The relationship between Robert and Helen continued and Helen and Eric were guests several times in different family homes. No family member told Helen about Robert's criminal history of felony child molestation. It was later discovered that Robert sexually molested Eric during some of these visits at the family homes all the while Robert was on parole for child molestation. Robert was convicted of molesting Eric and sent back to prison. Helen filed suit against Robert's family claiming they had a duty to warn her about Robert's criminal past and the potential danger to her child, and failing that duty they were liable for money damages for the harm suffered by Eric. The trial court dismissed the case on a nonsuit motion.

Issue

Whether the trial court properly dismissed the negligence claim based on the premise that family members of a convicted child molester have no affirmative duty to disclose that information to the molester's girlfriend who has an eight-year-old boy.

Holding

The appellate court affirmed the trial court, holding that the family members had no affirmative duty to disclose the information.

Rationale

The appellate court placed great weight upon the "no duty to aid" rule, developed "over the centuries" in courts. The court noted that a special relationship is required to

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Ying-Ying Zheng



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Legal Writing for International Students Susan Reid, 2005 Business letter writing including sample letters and useful phrases Legal writing instruction including contracts briefs irac format Reading and vocabulary building strategies Readings and writing exercises in legal contexts with a focus on law school preparation Essay structures and rhetorical modes Advanced grammar and exercises Research writing Innovation in Methodology and Practice in Language Learning Christopher Williams, 2015-09-04 This volume is composed of 24 papers originally presented as talks at the VIII National Conference of the Italian Association of University Language Centres Associazione Italiana dei Centri Linguistici Universitari AICLU held at the University of Foggia Italy between 30 May and 1st June 2013 The contributions fall into five sections 1 keynote addresses from plenary speakers 2 innovative challenges for language centres 3 new developments in teaching language for specific purposes 4 proposals and case studies in Content and Language Integrated Learning and 5 the use of new technologies in language learning 18 papers are in English four in Italian one in French and one in German The fact that three quarters of the papers are in English reflects the way English has become the lingua franca of academic conferences today However in keeping with the ethos of CercleS Conf d ration Europ enne des Centres de Langues de l Enseignement Sup rieur the pan European organisation to which AICLU belongs which is strongly committed to promoting plurilingualism it was crucial that contributions would also be accepted in other languages The volume represents the state of the art in the field of language teaching and theory in university language centres not only in Italy but also in other parts of Europe and the Mediterranean and testifies to the rich variety of ways in which these centres are adapting and thriving in rapidly changing times *A Writer's Reference with Writing in the Disciplines* Diana Hacker, Nancy Sommers, 2011-04-08 With Writing in the Disciplines Cover *Synthesis* Margaret Elizabeth McCallum, Christina L. Kunz, Deborah A. Schmedemann, 2003 Clear and Effective Legal Writing Veda Charrow, Myra K. Erhardt, Robert Charrow, 2001 This concise and highly accessible text continues to give students a classic introduction to Legal Writing Clear readable text effective sample documents and numerous exercises combined with a focus on the legal memorandum and brief reinforce the essential writing skills students must have Special Features walks students through the writing process beginning with an overview of legal analysis then moves on to understanding context logically organizing thoughts writing clearly and effectively reviewing and editing zeroes in on writing legal memorandums and appellate court briefs with excellent examples of each an overview of English sentence structure and guidance for writing well numerous exercises throughout the book to help students reinforce their skills comprehensive Teacher s Manual Features of the Third Edition enhanced appellate brief section presenting the brief in *Bush v Gore* and comparing a merits brief to a certiorari petition brief and an amicus curiae brief revised legal process section discussing recent changes to the Federal Rules of Civil Procedure and Supreme Court decisions improved format including larger type *The Legal Aspects of Industrial Hygiene and Safety* Kurt W. Dreger, 2018-10-03 The Legal Aspects of

Industrial Hygiene and Safety explores various legal issues that are often encountered by Industrial Hygiene and Safety managers during their careers A description is presented of the various legal concepts and processes that often arise in the IH S practice including tort contract and administrative law The goal is to provide IH S managers with sufficient knowledge to be able to incorporate legal risk analysis into everyday decision making and policy development This book will explore the legal issues that arise in IH S practice and will be helpful to new IH S managers as they progress in their careers

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