

Introduction to Legal Analysis

LLM Orientation
2017



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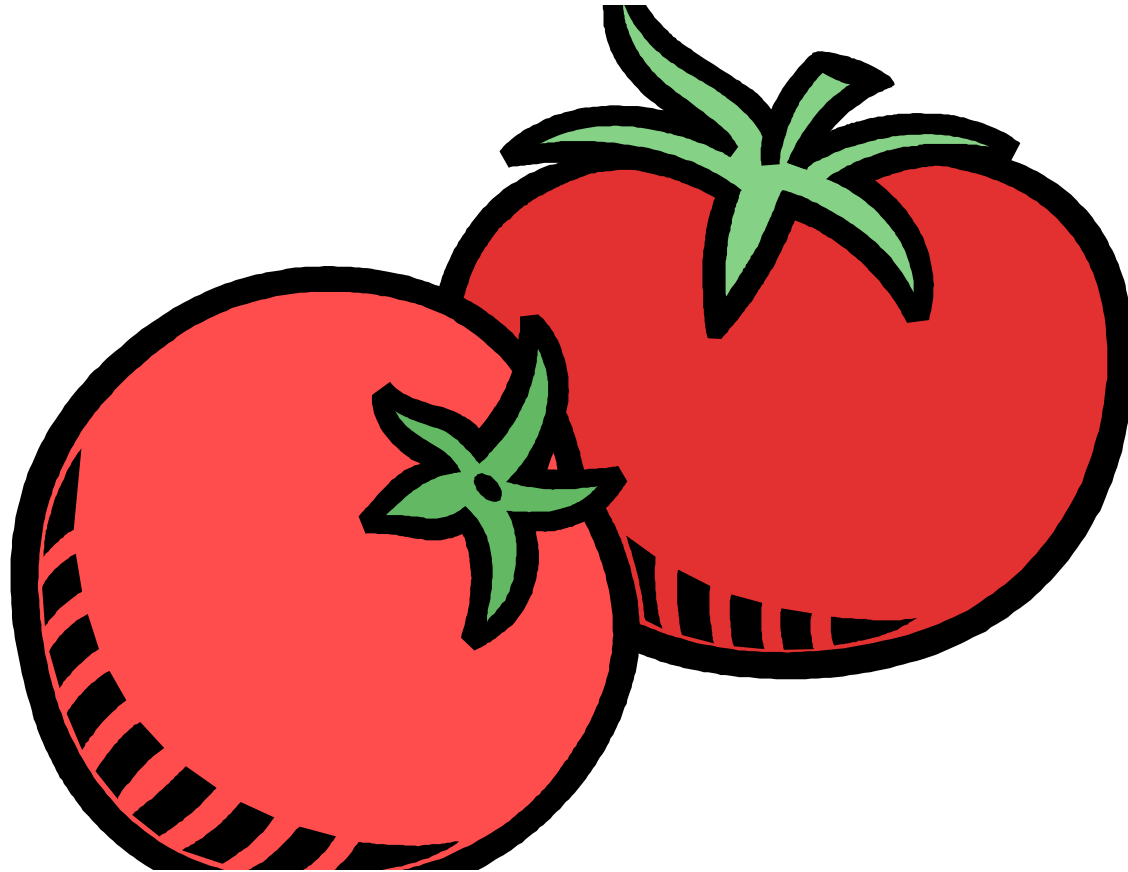
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Case Briefing

- Brief: a short, structured, summary of the important elements of an opinion.



Structure of Opinions

1. Caption and citation
2. Author
3. **Facts:** Place close attention to determinative facts.
4. **Procedural history:** How did the case get before the court?
5. **Issue:** What legal issues do these facts raise? What question has the court been asked to answer?
6. **Rule:** What rule does the court apply?
7. **Holding:** What conclusion does the court come to? What's the result/holding?
8. **Analysis/reasoning:** justifying the “fit” between the facts and the selected rule, citing authorities that support this choice of rule and distinguishing authorities that do not.
9. Concurring/dissenting opinions



Parker v. Twentieth Century Fox

1. **FACTS:** Parker signed K to be lead in movie musical. D broke contract, offered P a role in dramatic Western for same pay. Films in Australia, not CA. P loses director/screenplay approval rights. P did not accept. P sues for lost salary.
2. **Procedural History:** P sued for breach of K, wins at SJ. D appeals.
3. **ISSUE:** What constitutes fair mitigation of damages in an employment case?
4. **RULE:** Wrongfully fired employee gets agreed salary for period of service, less the amount the employee has earned or could have earned during the same period. Employer must show that new job was comparable or substantially similar to job fired from.



Parker v. Twentieth Century Fox

1. **HOLDING:** Affirmed; mitigation doesn't require accepting inferior job.
2. **REASONING:** Big Country is an inferior job. "By no stretch of the imagination" can a dramatic lead be considered the same as the lead in a song-and-dance movie. Lost director/screenplay approval. D has not proved affirmative defense that the offered job would be comparable or substantially similar to the original job.
3. Concurring/dissenting opinions: None here. What would you write?
4. Definitions, Statutory language, dicta, etc.
 1. As a 1L, you should have AT LEAST looked up:
 1. Summary judgment
 2. Mitigation
 3. Breach/breach of contract
 4. Affirmative defense



Or, just watch this.

- <https://www.youtube.com/watch?v=YE2u-673ZQk#t=131>



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Facts that Matter

- Study tip: A good way to prepare for class is to ask yourself after you have briefed each case: “what facts have to change for the outcome to change and why?”



What are we looking for in class and on exams?

We want to see if you can use the rules:

- Identify them in unexpected situations
- Decide which rule to apply
- Reason analogically from the cases we read
- Make persuasive arguments
- Think about consequences



Tips

- Review, review, review
 - Review your notes and briefs each week
 - It's too late to start learning the rules at exam time.
 - Use exam prep time to work on old exams and to meet with your study group and go over problems.
- Outlines
- Get into a study group and work problems.
- Do not get obsessed with study guides.
- Computers are not necessary in class.



Parting advice from law profs

- Nobody Gets Hurt, Nobody Gets Arrested
- Legal Research and Writing is your most important class.

