



How to Read Cases

From the Yale Moot Court Tournament Staff

What are the parts of the case? What’s the difference between a concurring opinion and a dissenting opinion? Is a main holding the same thing as a majority opinion? [And other questions about case structure and the meaning of lots of unfamiliar terminology and legal jargon]

For those unfamiliar with reading court opinions (or anyone wanting a great refresher), we highly recommend starting with this quick read from the American Bar Association [here](#). This will give you an introduction to the structure of a case and the different terminology used. We **highly** recommend glancing over this before continuing with this FAQ so that some of the other questions may make more sense.

Do all cases have a concurring and a dissenting opinion?

No, while it is common to see multiple opinions in these types of cases, they are not necessary. A particular case may have one or more concurring opinions but no dissenting opinion, one or more dissenting opinions but no concurring opinions, both, or neither. There can also be an opinion which is concurring in part with the main opinion and dissenting in part. All cases, however, will have the main opinion of the Court.

TIP: As you are reading a case, make sure you keep track of when one opinion ends and another begins, and what type of opinion it is. Otherwise, it can be easy to read a great quote or line of reasoning, and misattribute it in your argument to the main opinion when it is actually a concurring or dissenting opinion!

I read the difference between these types of opinions (listed [here](#)), but why does this actually matter for Moot Court?

The main opinion, if it comes from the U.S. Supreme Court (which all of the cases included in this year’s materials do!), is a “mandatory authority,” which means it creates a precedent that is binding* on the Court. The reasoning and arguments made in concurring or dissenting opinions are not binding on the Court (i.e., the Court does not need to be consistent with these opinions in making its decisions).

***TIP:** Remember you are arguing before the Supreme Court, so you CAN ask them to overturn their prior decisions. However, be aware that, in general, the Court likes to respect precedent, so be ready to have an exceptionally compelling argument for why you think the prior decision was erroneous!

Does this mean I can’t use any info from a concurring or dissenting opinion?

You can! While the arguments made in these opinions are not binding on the Court, you might think a point made by a justice in one of these positions is particularly persuasive, and you want to advocate that the Court should adopt this rationale (though, as a matter of law, they do not have to). If you are using material from a concurring or dissenting opinion, however, be sure to make sure the Court knows where it is coming from—for example, you can say, “as noted in Justice X’s concurrence in *A v. B*,” as opposed to simply saying “as noted in *A vs. B*” (which implies you are citing the main opinion).

Do the footnotes in these cases matter?

Yes! In fact, according to the esteemed legal scholar and Yale Professor Akhil Reed Amar, “constitutional law happens in the footnotes”! In other words, there might be important information in the footnotes of a case that could be helpful to you in constructing your argument. They are worth reading!

There are a bunch of citations to so many different cases in this opinion. Do I need to know what these cases are about?

No! There’s absolutely no expectation that you have any background in the cases that are referenced in any of the included opinions. The important thing to think about is why the Court is referencing this case—for example, are they making a distinction between their reasoning in this present case, and their reasoning in the past one? Again, you are not responsible for any information about these cases aside from what is mentioned explicitly in the opinion that is assigned as part of the materials for this competition.

Can I Google the names of cases referenced within a case that is part of the competition materials?

No! Any information about such cases that is not included in the opinion assigned as part of the materials of the competition is outside of the “closed universe” of moot court, and is prohibited. For more information on what this “closed universe” means for drafting your arguments, see *How to Craft an Argument*.

OK I understand—So cases referenced within the assigned case don’t matter at all right? I can just skip over them when reading the opinion?

Well, not quite! To the extent that they are referenced in the assigned case materials, they are fair game. This means that quotes in an assigned case that come from another case are allowed to be used in your argument (though any outside quotes, references, or knowledge are **strictly** prohibited!). So don’t skip over these case references, but don’t feel like you need to know more about them than is on the page of the opinion!

I understand all the different parts of the case now and what they mean—AHH there’s so much!! Where do I start?

Start with the syllabus of the case (the first page!). This will give you a quick sense of the facts of the case, the issues at stake, and the decision the Court reached. From there, you can dive into the main opinion!

What should I be looking for as I read these cases?

Great question! For Moot Court, we’re reading these cases for more than just pleasure—these cases will be the backbone of your argument. As you read through them, it’s a good strategy to think through how they might be applied in different ways to help you make your arguments about the fact pattern before us in this competition. For more ideas on what to think about when crafting your argument, check out *How to Craft an Argument*.

There’s so much information!! Do I need to remember the exact names of all the persons involved, the dates of everything that happened, etc.?

Don’t worry! These cases are nuanced and packed with information. You do not have to commit everything to memory. To see whether you’re familiar enough with a given case after reading it, we recommend asking yourself these questions: “If I were asked to give a 15-30 second summary of the facts of the case (what happened, what is at issue in this case), could I do it?”; “What are the main principles that the Court is considering?”; “What was the central conclusion/holding of the Court, and **why** did they decide it in the way that they did?”. We recommend trying to focus less on remembering every detail or understanding every legal term used, but getting to a point where you would feel comfortable talking freely about the case with a family member or friend.

What is the relationship between these cases and my argument? How do I actually *use* these cases?

This is where the real fun of moot court comes in! Putting in the time and effort to read the cases thoroughly is vital because those cases are what will form the basis of your argument. At its core, each case has a principle conclusion that is either good or bad for the argument you are making. In moot court, our number one move is to either connect or distinguish cases.

What does it mean to connect a case?

“Connecting” a case in your argument means taking the position that the case should apply to the present situation currently before the Court (in legal terms, the “case at bar”). In moot court, we argue that the best cases for the side on which we are advocating are connected. In attempting to connect the case, we argue that the facts are similar to those of the case at bar, that the principles involved are similar, and/or that a test articulated in the case would make deciding the case at bar easier.

What does it mean to distinguish a case?

Conversely, “distinguishing” a case means taking the position that a given case is not relevant or helpful in deciding the case you are arguing before the Court. We tend to argue that the cases which hurt us (i.e., are damaging to your argument for a particular side) ought to be distinguished. In attempting to distinguish the case, we argue that the facts are dissimilar to those of the case at bar, that the principles involved are dissimilar, and/or that applying a test articulated in the case would undermine making a decision in the present case. Additionally, you may choose to emphasize formal rules as to why the case should not be considered (for example, if it’s just a concurrence or dissent, perhaps the Court may not want to base their decision on it).

OK I’ve read all the cases—now what?

First, give yourself a pat on the back and take a break! Reading Supreme Court cases can be dense work, and they’re not always easy to understand the first time through. Now, you’re ready for the most exciting part: building your argument! To answer questions you may have about this part of the process, check out *How to Craft an Argument*.