



Dear Students,

Welcome to the UCI Law community! The Academic Skills Program (ASP) is here to help ease your transition into the study of law. Our first workshop will take place during the first day of Orientation, **August 17, 2016**.

No doubt, you've heard that you will be assigned massive amounts of reading during law school. This is true, but don't worry! During our first workshop, we will teach you some skills to make your reading more efficient and meaningful.

To maximize the limited amount of time we have together during Orientation, please come to the workshop familiar with the enclosed case, Gideon v. Wainwright. This is one of the cases that you will be working with as part of your first Lawyering Skills class assignment. You will learn more about this assignment from your Lawyering Skills professors during Orientation.

As you read, try to identify the nine parts of a typical appellate court decision by marking them on the case itself. Keep in mind that the parts are not necessarily in chronological order.

1. **Parties** – Who is suing whom? Sometimes this is apparent from the case name, but this is not always true. Also, try to understand what the relationship is between the parties.
2. **Procedural History** – Most of the decisions you will read in law school are from an appellate court, such as the Supreme Court of the United States or the Ninth Circuit Court of Appeals. This means that a trial court has already considered the evidence, applied the legal rules, and made a decision about how the case should turn out. One of the parties was unhappy with the trial court's decision and asked the appellate court to review how the trial court decided the case. When reading the procedural history, your job is to figure out what happened before the case reached the present court.
3. **Relevant Facts** – This is the story of what happened. What are the parties fighting over? What does each side want? The decision will usually include many background facts, but try to pick out the most important facts—ones that, if changed, would make a difference in the outcome of the case.
4. **Issue(s)** – This is the legal question the court is deciding. It involves a particular rule of law that will be applied to the facts of the case. Sometimes the court will decide more than one issue; you should try to identify all of them and take note of whether the court decides the issues in any particular order.
5. **Rule(s)** – These are the laws the court will use to make its decision. A rule can consist of written laws (e.g., statutes, constitutions, codes), or it can come from case "precedent"—which basically means the court is bound by its prior decisions. Sometimes, especially in appellate opinions, one of the first issues the court decides is which law(s) it will use to decide the case. The court may even decide it doesn't like prior decisions and "change" the law with its new decision.
6. **Reasoning** – This is the most important part of the opinion because in it, the court explains why it reached the decision (or HOLDING) it did. Try to understand how the court applied the rules of law to



the facts before it. This is often referred to as “legal analysis,” which is what you will be asked to do on exams, and eventually, as a lawyer. This part may include many of the lawyer’s arguments and why the court agreed or disagreed with them. Sometimes, the court will support its decision with public policy reasons that have broader implications outside the particular facts of the specific case it is deciding.

7. **Holding** – This is the answer to the ISSUE you identified above. It is the decision the court made about how the law applies to the facts of the case.
8. **Disposition (Procedural Result)** – This is the part of the appellate opinion where the court says what should happen to the trial court’s decision. If the appellate court agrees with everything the trial court did, it will “affirm” that court’s decision. If the appellate court disagrees with any aspect of what the trial court did, the appellate court will “reverse” and/or “remand” the case, sending it back to the trial court with additional instructions.
9. **Dissent/Concurrence** – When an appeal is decided by a panel of judges, the majority rules. The judges who did not agree with the outcome may write a separate opinion called a “dissent” that states why they disagreed. Judges who agreed with the outcome, but not the way the majority reached it, may write a separate opinion called a “concurrence.” It is important to understand these opinions because they help explain what is at issue and how the court could have decided the issue differently. They are also often the basis for your class discussion.

The goal of identifying these parts of the case while you read the opinion is to increase your comprehension. During the workshop, we will talk about creating a case “brief,” using these same nine parts to help you (1) anchor yourself in the subject matter before class discussion; (2) remember what the case is about and keep your nerves under control when you get called on in class; and (3) self-assess whether you understood the material correctly.

Don’t forget to bring your copy of Gideon, and your notes and questions, with you to Orientation! We look forward to seeing you there!

Sincerely,

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Director of Academic Skills

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Queena Mewers
Assistant Director of Academic Skills

Clarence Earl GIDEON, Petitioner,

v.

Louie L. WAINWRIGHT, Director, Division of Corrections.

372 U.S. 335 (1963)

Justice BLACK delivered the opinion of the Court.

Petitioner was charged in a Florida state court with having broken and entered a poolroom with intent to commit a misdemeanor. This offense is a felony under Florida law. Appearing in court without funds and without a lawyer, petitioner asked the court to appoint counsel for him, whereupon the following colloquy took place:

‘The COURT: Mr. Gideon, I am sorry, but I cannot appoint Counsel to represent you in this case. Under the laws of the State of Florida, the only time the Court can appoint Counsel to represent a Defendant is when that person is charged with a capital offense. I am sorry, but I will have to deny your request to appoint Counsel to defend you in this case.

‘The DEFENDANT: The United States Supreme Court says I am entitled to be represented by Counsel.’

Put to trial before a jury, Gideon conducted his defense about as well as could be expected from a layman. He made an opening statement to the jury, cross-examined the State's witnesses, presented witnesses in his own defense, declined to testify himself, and made a short argument ‘emphasizing his innocence to the charge contained in the Information filed in this case.’ The jury returned a verdict of guilty, and petitioner was sentenced to serve five years in the state prison.

Since 1942, when *Betts v. Brady* was decided by a divided Court, the problem of a defendant's federal constitutional right to counsel in a state court has been a continuing source of

controversy and litigation in both state and federal courts. Since Gideon was proceeding in forma pauperis, we appointed counsel to represent him and requested both sides to discuss in their briefs and oral arguments the following: ‘Should this Court's holding in *Betts v. Brady* be reconsidered?’

I

The facts upon which Betts claimed that he had been unconstitutionally denied the right to have counsel appointed to assist him are strikingly like the facts upon which Gideon here bases his federal constitutional claim. Betts was indicted for robbery in a Maryland state court. On arraignment, he told the trial judge of his lack of funds to hire a lawyer and asked the court to appoint one for him. Betts was advised that it was not the practice in that county to appoint counsel for indigent defendants except in murder and rape cases. He then pleaded not guilty, had witnesses summoned, cross-examined the State's witnesses, examined his own, and chose not to testify himself. He was found guilty by the judge, sitting without a jury, and sentenced to eight years in prison. Like Gideon, Betts sought release by habeas corpus, alleging that he had been denied the right to assistance of counsel in violation of the Fourteenth Amendment. Betts was denied any relief, and on review this Court affirmed. It was held that a refusal to appoint counsel for an indigent defendant charged with a felony did not necessarily violate the Due Process Clause of the Fourteenth Amendment. The Court said:

‘Asserted denial (of due process) is to be tested by an appraisal of the totality of facts in a given case. That which may, in one setting, constitute a denial of fundamental fairness, shocking to the universal sense of justice, may, in other circumstances, and in the light of other considerations, fall short of such denial.’

Since the facts and circumstances of the two cases are so nearly indistinguishable, we think the *Betts v. Brady* holding if left standing would require us to reject Gideon's claim that the Constitution guarantees him the assistance of counsel. Upon full reconsideration we conclude that *Betts v. Brady* should be overruled.

II

The Sixth Amendment provides, 'In all criminal prosecutions, the accused shall enjoy the right * * * to have the Assistance of Counsel for his defence.' [In *Betts v. Brady*], the Court concluded that 'appointment of counsel is not a fundamental right, essential to a fair trial.' It was for this reason the *Betts* Court refused to accept the contention that the Sixth Amendment's guarantee of counsel for indigent federal defendants was extended to or, in the words of that Court, 'made obligatory upon the states by the Fourteenth Amendment'. Plainly, had the Court concluded that appointment of counsel for an indigent criminal defendant was 'a fundamental right, essential to a fair trial,' it would have held that the Fourteenth Amendment requires appointment of counsel in a state court, just as the Sixth Amendment requires in a federal court.

We accept *Betts v. Brady's* assumption, based as it was on our prior cases, that a provision of the Bill of Rights which is 'fundamental and essential to a fair trial' is made obligatory upon the States by the Fourteenth Amendment. We think the Court in *Betts* was wrong, however, in concluding that the Sixth Amendment's guarantee of counsel is not one of these fundamental rights. Ten years before *Betts v. Brady*, this Court, after full consideration of all the historical data examined in *Betts*, had unequivocally declared that 'the right to the aid of counsel is of this fundamental character.' *Powell v. Alabama* (1932). While the Court at the close of its *Powell* opinion did by its language, as this Court frequently does, limit its holding to the

particular facts and circumstances of that case, its conclusions about the fundamental nature of the right to counsel are unmistakable.

The fact is that in deciding as it did-that 'appointment of counsel is not a fundamental right, essential to a fair trial'-the Court in *Betts v. Brady* made an abrupt break with its own well-considered precedents. In returning to these old precedents, sounder we believe than the new, we but restore constitutional principles established to achieve a fair system of justice. Not only these precedents but also reason and reflection require us to recognize that in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him. This seems to us to be an obvious truth.

Governments, both state and federal, quite properly spend vast sums of money to establish machinery to try defendants accused of crime. Lawyers to prosecute are everywhere deemed essential to protect the public's interest in an orderly society. Similarly, there are few defendants charged with crime, few indeed, who fail to hire the best lawyers they can get to prepare and present their defenses. That government hires lawyers to prosecute and defendants who have the money hire lawyers to defend are the strongest indications of the wide-spread belief that lawyers in criminal courts are necessities, not luxuries. The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours.

From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trials before impartial tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him. A defendant's need for a lawyer is nowhere better stated than in the moving words of Mr. Justice Sutherland in *Powell v. Alabama*:

‘The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.’

The Court in *Betts v. Brady* departed from the sound wisdom upon which the Court's holding in *Powell v. Alabama* rested. Florida, supported by two other States, has asked that *Betts v. Brady* be left intact. Twenty-two States, as friends of the Court, argue that *Betts* was ‘an anachronism when handed down’ and that it should now be overruled. We agree.

Mr. Justice HARLAN, concurring.

I agree that *Betts v. Brady* should be overruled, but consider it entitled to a more respectful burial than has been accorded, at least on the part of those of us who were not on the Court when that case was decided.

I cannot subscribe to the view that *Betts v. Brady* represented ‘an abrupt break with its own well-considered precedents.’ In 1932, in *Powell v. Alabama*, a capital case, this Court declared that under the particular facts there presented—‘the ignorance and illiteracy of the defendants, their youth, the circumstances of public hostility and above all that they stood in

deadly peril of their lives' —the state court had a duty to assign counsel for the trial as a necessary requisite of due process of law. It is evident that these limiting facts were not added to the opinion as an after-thought; they were repeatedly emphasized and were clearly regarded as important to the result.

Thus when this Court, a decade later, decided *Betts v. Brady*, it did no more than to admit of the possible existence of special circumstances in noncapital as well as capital trials, while at the same time insisting that such circumstances be shown in order to establish a denial of due process. The right to appointed counsel had been recognized as being considerably broader in federal prosecutions, but to have imposed these requirements on the States would indeed have been 'an abrupt break' with the almost immediate past. The declaration that the right to appointed counsel in state prosecutions, as established in *Powell v. Alabama*, was not limited to capital cases was in truth not a departure from, but an extension of, existing precedent.

The principles declared in *Powell* and in *Betts*, however, have had a troubled journey throughout the years that have followed first the one case and then the other. Even by the time of the *Betts* decision, dictum in at least one of the Court's opinions had indicated that there was an absolute right to the services of counsel in the trial of state capital cases. Such dicta continued to appear in subsequent decisions, and any lingering doubts were finally eliminated by the holding of *Hamilton v. Alabama*.

In noncapital cases, the 'special circumstances' rule has continued to exist in form while its substance has been substantially and steadily eroded. In the first decade after *Betts*, there were cases in which the Court found special circumstances to be lacking, but usually by a sharply divided vote. However, no such decision has been cited to us, and I have found none, after *Quicksall v. Michigan* decided in 1950. At the same time, there have been not a few cases in

which special circumstances were found in little or nothing more than the 'complexity' of the legal questions presented, although those questions were often of only routine difficulty. The Court has come to recognize, in other words, that the mere existence of a serious criminal charge constituted in itself special circumstances requiring the services of counsel at trial. In truth the *Betts v. Brady* rule is no longer a reality.

This evolution, however, appears not to have been fully recognized by many state courts, in this instance charged with the front-line responsibility for the enforcement of constitutional rights. To continue a rule which is honored by this Court only with lip service is not a healthy thing and in the long run will do disservice to the federal system.

The special circumstances rule has been formally abandoned in capital cases, and the time has now come when it should be similarly abandoned in noncapital cases, at least as to offenses which, as the one involved here, carry the possibility of a substantial prison sentence. (Whether the rule should extend to all criminal cases need not now be decided.) This indeed does no more than to make explicit something that has long since been foreshadowed in our decisions.

In agreeing with the Court that the right to counsel in a case such as this should now be expressly recognized as a fundamental right embraced in the Fourteenth Amendment, I wish to make a further observation. When we hold a right or immunity, valid against the Federal Government, to be 'implicit in the concept of ordered liberty' and thus valid against the States, I do not read our past decisions to suggest that by so holding, we automatically carry over an entire body of federal law and apply it in full sweep to the States. Any such concept would disregard the frequently wide disparity between the legitimate interests of the States and of the Federal Government, the divergent problems that they face, and the significantly different consequences of their actions. In what is done today I do not understand the Court to depart

from the principles laid down in *Palko v. Connecticut*, or to embrace the concept that the Fourteenth Amendment 'incorporates' the Sixth Amendment as such.

On these premises I join in the judgment of the Court.