



Dear Class of 2020,

Welcome to UCI Law! We look forward to seeing you at Orientation (August 16 -18) and introducing you to faculty, staff, and classmates. Orientation is the start of your legal education.

Our best advice for you over the summer is to spend quality time with family and friends, and relax as much as possible. Please don't spend money on or waste time reading "how to succeed in law school" books. We'll teach you what you need to know! In addition to the expert advice of faculty, our wonderful Academic Skills Program offers free workshops throughout the 1L year.

Our first workshop, led by Prof. Leah Litman, is on the first day of Orientation. Prof. Litman will teach you skills to make your reading more efficient and meaningful. She will demonstrate how to brief a case, and will explain how briefing ties in to classroom discussion.

To maximize the workshop's learning experience, we'd like to you read three edited cases before your arrive. We encourage you to take notes on what you read, and bring your notes with you to the workshop. Please click on each case.

- *Miranda v. Arizona* (U.S. Supreme Court)
- *Joseph H.* (California Court of Appeal opinion)
- *Joseph H.* (Justice Goodwin Liu's dissent from denial of review, Supreme Court of California)

The following information will help you better understand the cases:

- Read over the 5th and 6th Amendments to the U.S. Constitution. Both are relevant to the material you will be discussing at Orientation. Please click [here](#) to read the 5th and 6th Amendments.
- The court decisions we provided were heavily edited. For example, in the edited version of *Miranda v. Arizona*, we eliminated all citations and footnotes to make for easier reading. We would not want to give you the impression that Supreme Court justices write opinions that do not contain citations to prior decisions or footnotes.
- The Supreme Court reversed *Miranda*'s conviction and sent his case back to Arizona for a new trial. At the 1967 retrial, the prosecution did not use his confession. Rather, the prosecutors brought forth a witness to whom *Miranda* had confessed. A jury convicted him and the court sentenced him to serve 20 to 30 years. The Arizona Supreme Court affirmed those decisions and the U.S. Supreme Court declined review.

- At the conclusion of Joseph H’s trial, a court determined that he was a ward of the court, found that he was a person with exceptional needs, and committed him to the California Department of Juvenile Justice. The court set his maximum confinement time as 40 years, consisting of 15 years to life for murder, plus 25 years to life for a gun discharge enhancement pursuant to section 12022.53, subdivision (d) of the California Penal Code.
- The Joseph H material also has a reference to “Section 26.” Section 26 of the California Penal Code states that, “All persons are capable of committing crimes except” for several categories of individuals. The first category is “Children under the age of 14, in the absence of clear proof that at the time of committing the act charged against them, they knew its wrongfulness.”

In addition to the workshop, your Lawyering Skills faculty will discuss these cases in class. On the final day of Orientation, two alumni will engage in a mock U.S. Supreme Court argument before a real judge on whether juveniles must be afforded counsel when questioned by the police.

Preparing for the Orientation Workshop on Briefing Cases

As you read the three cases, 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, Prof. Litman 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 the cases, and your notes and questions, with you to Orientation. We look forward to seeing you there!

Yours,



Elizabeth Schroeder
Assistant Dean for Student Services