

## Case Study -- Five Easy Steps

The case study approach is a law-related education teaching strategy which uses real and hypothetical legal cases and may be used in a variety of ways: In its full-fledged form, it includes the following elements:

1. Identifying the facts of the case;
2. Developing the legal and/or constitutional issues;
3. Formulating arguments for both sides of the issues;
4. Explaining the court's decision and the reasoning of the majority and the dissent; and,
5. Evaluating the courts decision and predicting the impact of the court's decision

There are many different instructional strategies that can be used with these elements. They include individual, small group and whole-class processes.

### 1. Facts of the Case

Students should read, listen to, or view a description of the facts of the case. One useful and efficient method for insuring that students understand the facts is to put them in pairs and have one student summarize by completely recounting the important facts. The question, "What happened in this case?" is a good prompt for the summarizer.

Another technique involves having students work on the following series of questions:

- What happened in this case?
- Who are the people/organizations/companies involved?
- What are the possible motives which could explain why the people involved acted the way they acted?
- How did the lower courts rule on this case? (Note: obviously this should be only asked if the case is on appellate review).
- Which facts are important?
- Which facts don't you have that you would like?

As a general rule, it is important to check for students' understanding of the facts before they work on the other elements. A quick whole-class discussion of the facts can clear up misunderstandings and reinforce the work the students did in pairs/groups.

## 2. Constitutional and/or Legal Issues

It is important for students to understand what constitutional and/or legal issues the court must address in the case or it will be difficult for them to understand the implications of the court's decision. Developing constitutional and/or legal issues is often very difficult. In many instances, you may decide to simply tell your students the issue. However, if you want your students to develop the issue themselves, the following series of questions are most useful for constitutional cases which involve state action.

First, they should answer the following questions:

- Who was the actor?
- Who was the recipient of the action?
- What is the action that caused the controversy?
- What is the specific part of the Constitution/statute involved?

For example, in the famous Tinker case involving students who wore black armbands to school to protest the nation's involvement in Vietnam, the answers would be:

actor= Des Moines Board of Education  
recipients=Tinker students  
action=suspended from school for wearing the armbands  
part of Constitution=free speech clause of the First Amendment

Once the students have answered these questions, they should develop a question the court must address in the case. This includes all of the components. For example, in Tinker, the constitutional issue before the Supreme Court was:

*"Did the Board of Education (actor) violate the First Amendment free speech rights (part of Constitution) of the Tinker students (recipient of action) when they suspended them from school for wearing the black armbands (action)?"*

## 3. Formulating Arguments on both Sides of the Issues

One way to begin this step is to have the students identify the values/goals of each side. Rarely is a case strictly about good versus bad. More often, legal cases involve significant conflicts between competing positive values, such as private property rights versus equality.

The Constitutional and/or legal issues that the students develop provides a good starting point for the process of developing arguments. Students can be asked to formulate and evaluate reasons in support of both a "yes" and a "no" answer to the issue question. Any number of standard law-related education interactive strategies, such as moot court simulations, are useful to accomplish this.

Before students learn about the actual court's decision and reasons, it is useful to ask them to predict what they think the court will do and why.

#### **4. Court's Decisions and Reasons**

The first thing to focus on here is the court's answer to the constitutional/legal issue(s). For example, in Tinker, the Supreme Court ruled that the students' constitutional rights have been violated by the Des Moines Board of Education. It is also important to discuss the geographical areas that will be affected by the decision. If the case was decided by the United States Supreme Court then it will apply to the entire nation. However, few cases are heard by the Supreme Court and most decisions will affect a smaller area.

By identifying and evaluating the court's reason for their decision, students will be able to compare and contrast those reasons with their own.

#### **5. Evaluating a Decision and Predicting Its Impact**

The final step in the case study approach involves reacting, often on a very personal level, to the decision of the court. Especially in cases that are significant and controversial, students both want and need the opportunity to discuss what they think about the decision of the court. Additionally, having students predict the impact of court decisions often necessarily involves discussion of actions by other branches of government. Many court cases can be effectively overturned by a change in a statute or policy.

**Reprinted with permission from Constitutional Rights Foundation, Chicago, Illinois**