

CASE LAW REVIEW GUIDELINES

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Introduction

- ▶ **Case Study method and Case method:** case study uses a narrative of a legal dilemma to exemplify principles of law whereas case method uses a court decision to exemplify principles of law. Case law review part of case method.
- ▶ Case law review provides academic insight into judicial decisions.
- ▶ They are useful to, amongst others, practitioners and those working in the voluntary sector who may not have the time to read around a subject in depth; to other academics studying in similar areas; to the judiciary to assist them in future judicial decision making and to students researching in the area.
- ▶ A proper review of case law helps to give practical exposure to different areas of aviation law including consumer protection, insurance, environment, liability, dispute resolution system, *etc.*
- ▶ A case law review also provides a brief analysis of a case, identifying and examining the key elements of the decision, as well as placing the case in its wider legal and social context.
- ▶ The ability to write a clear and succinct case review is useful in and of itself as a legal skill, particularly in common law legal systems which operate a doctrine of precedent whereby judicial decisions form part of the law of the land.
- ▶ In order to write a case law review it is necessary to learn how to deconstruct a legal argument set out in a judicial decision and identify various parts of the judgment. The various parts serve different purposes.

Format of the Case Law Review

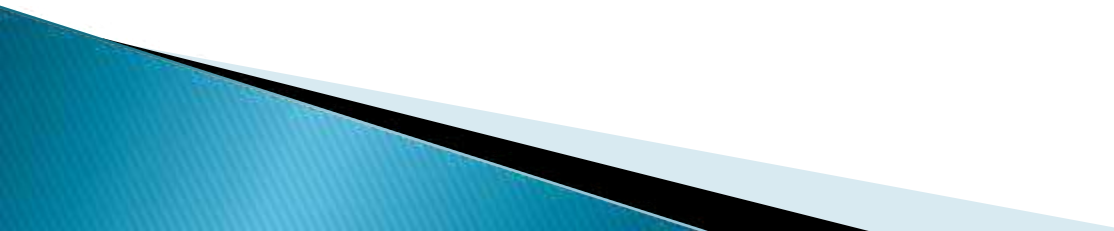
- ▶ Cover Page
 - ▶ Table of Contents / Index
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 - ▶ Table of Statutes
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Table of Contents / Index

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- ▶ Chapter V - Reasoning or Analysis
- ▶ Chapter VI - Contribution of the Case to Aviation Law
- ▶ Chapter VII – Conclusion

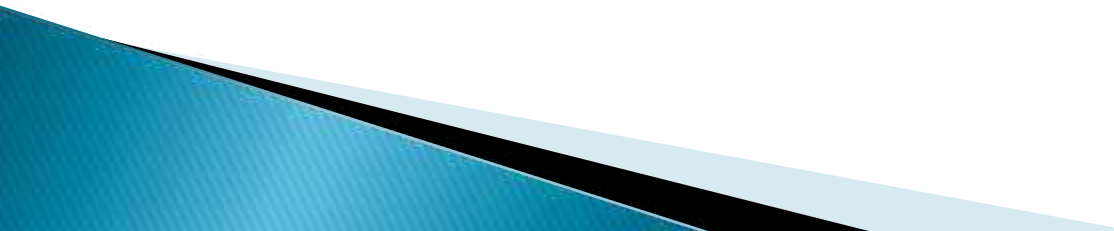
Please Note that Depending on the case, the inclusion of additional elements like comparative analysis with laws of other state may be useful.



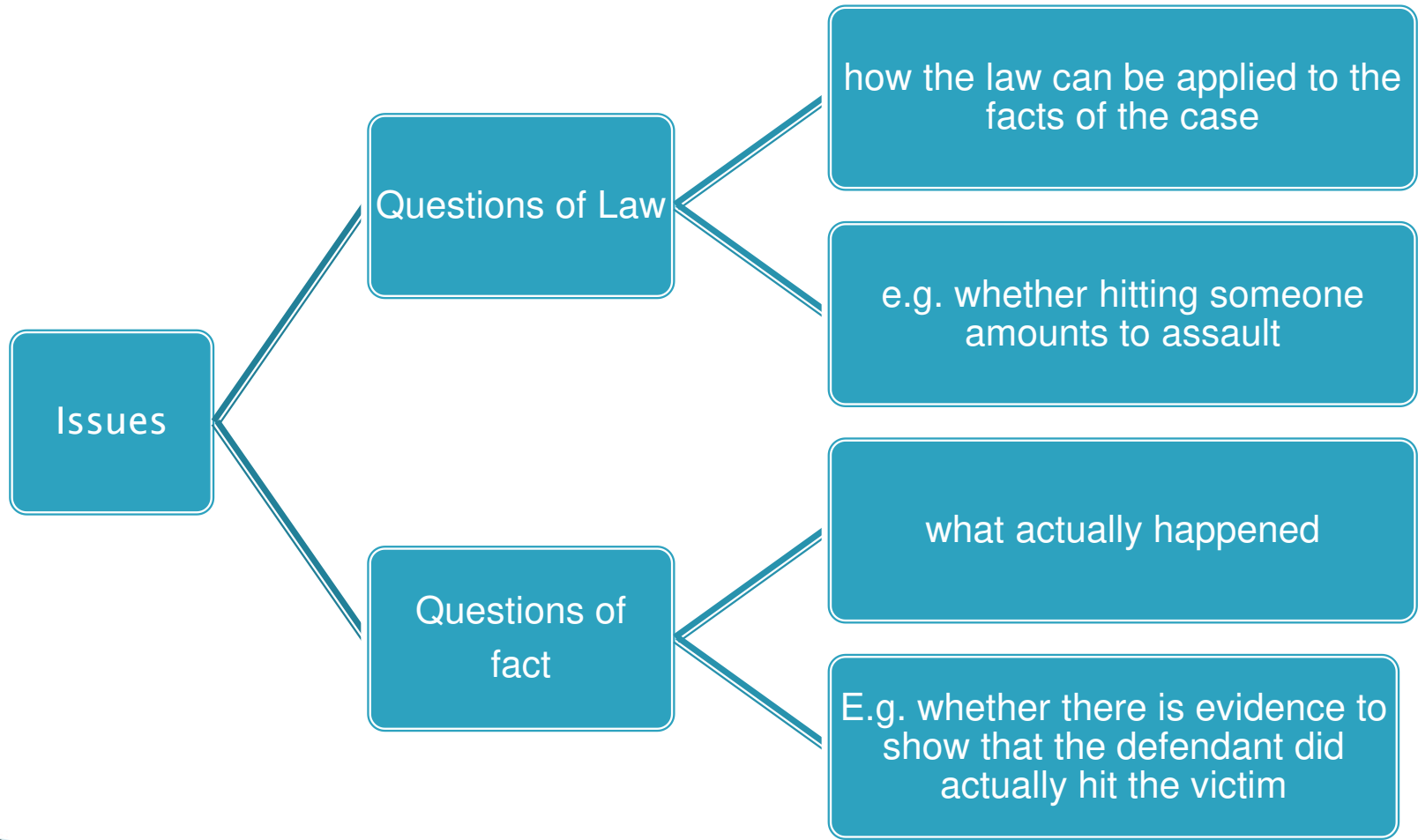
Chapter I – Introduction

- A good introduction is succinct, compelling and provides a ‘bird’s eye view’ of your whole argument.
- ▶ **Significant points to consider**
 - **introduce the case –**
 - the subject of law related
 - issues involved in brief
 - background/history (of law in question with respect to the case)
 - **legal significance** – what did it change? Perhaps offer some context, such as prior law it affected.

Chapter II - Facts of the Case

- **Detailed facts** – Focus on the facts that one need to know in order to understand the case.
 - **Appeal Case** – required to summarise the procedural history. The researcher is required to very briefly explain what happened in the court(s) below, i.e. the claim that was made and what the court decided.
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Chapter III – Issues



Chapter IV - Judgment

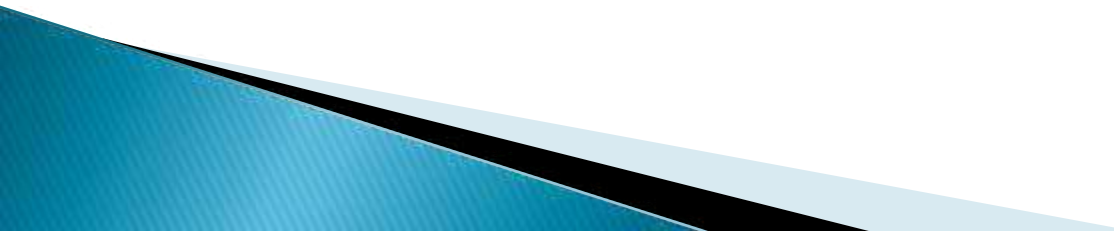
- **Important Points**

- how the judge(s) reached their decision, analysing their use of precedent, statute and/or policy considerations.
- dissenting judgments or differences of opinion among the judges.
- *ratio decidendi* and any *obiter dicta*.
 - The *ratio*(nes) is the reason(s) for the decision, i.e. the legal principle which, when applied to the facts of the case, led the judge(s) to reach their decision.
 - Comments made *obiter* are points of law that are not necessary to decide the outcome of the case, but they could be influential in future cases (and can provide a starting point for the next section) – **NOT TO BE INCLUDED IN THE JUDGEMENT.**

Chapter V - Reasoning or Analysis

- This section affords you the opportunity to demonstrate legal skill and ability by dissecting the case and raising important issues involved.
 - Describe and critically analyze the court's reasoning and decision.
 - Remain objective, but do not be afraid to express original ideas.
 - Present in its full context the law as you contend it is or ought to be.
 - If appropriate, attempt to predict the impact your case will have on future decision.
 - Furthermore, address any ambiguous statements made by the court and questions the court left unanswered.
 - Can refer and analyse *obiter dicta* if relevant.
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Chapter VI - Contribution of the Case to Aviation Law

- ▶ This is the chance to evaluate the judgment.
 - ▶ Consider the legal and social impact it could have.
 - ▶ Does it leave questions unanswered or create vagueness? Are there problems in the judges' reasoning? Would adopting a different perspective would have led to a better decision?
 - ▶ Research relevant cases, articles or books to support your arguments.
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Chapter VII - Conclusion

- ▶ A very brief two-part summary of your comment.
 - The first part should outline the problem posed in the main case.
 - The second part should state and defend your analysis.

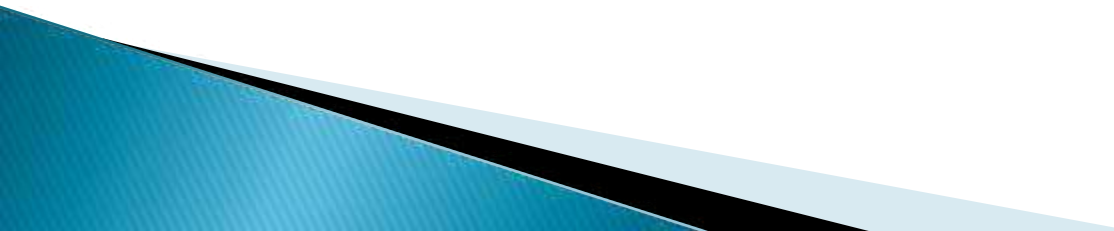
Other Significant Points to Consider

- ▶ **Footnotes and Bibliography** format should be strictly adhered to.
- ▶ **Main Text:** Font: Times New Roman, Size: 12, Spacing: 1.5, Alignment: Justified.
- ▶ **Chapter Heading:** Times New Roman, Size: 12, Spacing 1.15, Alignment: Justified.
- ▶ **Word Limit of Case Law Review:** 2,500 – 3,500 words
- ▶ All submissions shall be made online and send to casl.aviation@gmail.com before the designated date and time.

Evaluation Marks Break Up (30 Marks)

Introduction (CH – I)	Content & Analysis (Ch – II – VI)	Conclusion (Ch–VII)	Footnotes & Bibliography	Format & Structure
4	15	4	3	4

Sources to be referred

- ▶ Manupatra
 - ▶ SCC online
 - ▶ <https://www.sci.gov.in/> (Supreme Court of India official website)
 - ▶ Indian Kanoon – Not authentic
 - ▶ Legal Crystal – Not Authentic
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Project/Assignment Marks Breakup

Final Project/Assignment Work	Introduction and Statement of Problem	4
	Research Questions, Hypothesis & Research Methodology	3
	Research Plan/Tentative Chapterisation	3
	Format & Structure	4
	Content	10
	Conclusion & Suggestions	3
	Footnotes & Bibliography	3
Total Marks		30