Preparing for your first class

Friday, August 25, 2017
Agenda

- Overview of your reading
- Approaches to reading and note-taking
- Q&A with 2Ls & 3Ls
Overview of your reading
Supreme Court of the United States

No. 1 — October Term, 1954

Oliver Brown, Mrs. Richard Evers, Mrs. Addie Evers et al.,
Appellants,

v.

Board of Education of Topeka, Shawnee County, Kansas, et al.,

Appeal from the United States District Court for the
District of Kansas.

This case was on to be heard on the transcript of its record from the United States
District Court for the District of Kansas, and was argued by counsel.

On consideration thereof, it is ordered and adjudged by this Court that the judgment
of the said District Court in this case is hereby reversed, and the cause is remanded to the said District Court to take such
proceedings and enter such orders as are consistent with the opinions of this Court.

Per Mr. Chief Justice Warren,
May 17, 1954.

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Sections of an opinion

1. Case Caption
2. Case Citation
3. Judge Name
4. Procedural Posture
5. Facts
6. Holding and Legal Reasoning
7. Disposition
8. Concurring or Dissenting Opinions
What we can decide, we can undecide. But *stare decisis* teaches that we should exercise that authority sparingly. Cf. S. Lee and S. Ditko, Amazing Fantasy No. 15: “Spider-Man,” p. 13 (1962) (“[I]n this world, with great power there must also come—great responsibility”). Finding many reasons for staying the *stare decisis* course and no “special justification” for departing from it, we decline Kimble’s invitation to overrule *Brulotte*.

For the reasons stated, the judgment of the Court of Appeals is affirmed.

*It is so ordered.*
Reading approaches for your first class
Common approaches

- Highlighting
- Road-mapping labels
- Margin Notes
- Briefing

These are not the only approaches; it is important to find one that works best for you.
Patents endow their holders with certain superpowers, but only for a limited time. In crafting the patent laws, Congress struck a balance between fostering innovation and ensuring public access to discoveries. While a patent lasts, the patentee possesses exclusive rights to the patented article—rights he may sell or license for royalty payments if he so chooses. See 35 U.S.C. §154(a)(1). But a patent typically expires 20 years from the day the application for it was filed. See §154(a)(2). And when the patent expires, the patentee’s prerogatives expire too, and the right to make or use the article, free from all restriction, passes to the public. See Sears, Roebuck & Co. v. Stiffel Co., 376 U.S. 225, 230, 84 S. Ct. 784, 11 L. Ed. 2d 661, 1964 Dec. Comm'r Pat. 425 (1964).
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Briefing a case

• “Briefing” is a note-taking approach
• Often structured as an outline or series of bullets describing the following case elements:
  • Parties
  • Facts
  • Procedural posture
  • Issue
  • Holding
  • Rule
  • Legal reasoning
• Can later be incorporated into an outline
Anicet v. Gant, 580 So.2d 273 (Fl. App. 1991), supplement pp. 42-45

- Facts
  - Defendant-Appellant Anicet is a 23yo man who has "suffered irremediable mental difficulties all his life," including uncontrolled acts of violence for which he was placed in the South Florida State Hospital's most restrictive wing
  - Voluntarily committed both in native Haiti and in U.S.
  - Plaintiff-Appellee Gant is an attendant assigned to that unit, specifically to treat and control those patients
  - On 1/15/1988, there is some kind of incident while Anicet is locked on a day ward
- Posture
  - Both parties motioned for summary judgment at trial. Trial Judge granted Gant's.
- Issue
  - "We must decide whether a violently insane person confined to a mental institution is liable to one of his attendants for injuries caused by his violent act."
- Holding: "Contrary to the result below, we hold that there is no such liability."
  - Conclusion that liability exists rests on (1) notion that between an innocent injured person and an incompetent injuring one the latter should bear the loss and (2) imposition of liability encourages the restriction of the insane person to prevent further harm --> neither end satisfied here
  - Gant
    - Gant "not an innocent member of the public unable to anticipate or safeguard himself against the intrusions of a lunatic"
    - Already covered by workers' compensation, so fundamental justice asks for a ruling against
    - Ruling in favor would violate "fireman's rule" which provides that "a person specifically hired to encounter and combat particular dangers is owed no independent tort duty by those who have created those dangers"
  - Anicet
    - Anicet's caretakers have already done as much as they can by confining him in the most restricted area of a restrictive institution --> no incentive to be made here
    - Disanalogizes from McGuire insofar as there it was a private nurse in a private home and so the "'encouragement of further restriction' principle" applies
    - "In sum, we revert to the basic rule that where there is no fault, there should be no liability."
It can be helpful to tailor the categories once you know your professor’s style.
Other options

- Just read, and then take notes in class!
- Take notes on an outline from Too Dope
- Adapt briefs available online
- Make flashcards of cases as you read
- Combine options
- Mark the reading up after class
Panel Q&A