

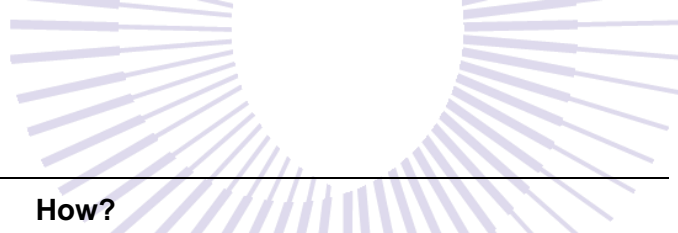


Guide to Writing Case Notes

Department of Law Factsheet

A case note is a short, structured piece of academic legal writing that summarises and analyses a single judicial decision. This factsheet sets out a process in ten stages for producing one. Aim for **400 to 500 words**, using four headings: Facts, Key Issues, Judgment, Impact.

	Stage	Why?	How?
1	Find and read the case	Headnotes and summaries are no substitute for the judgment itself.	<ul style="list-style-type: none"> • Use Westlaw or LexisNexis (via the YSJ library) or BAILII for free access. • Read the headnote first to orient yourself, then the judgment in full. • Read twice: once for the gist, once analytically with a highlighter.
2	Identify the legal issue(s)	Every case turns on questions of law. You cannot summarise what you cannot pin down.	<ul style="list-style-type: none"> • Phrase each issue as a question (“Did the prerogative authorise...?”). • Most cases have one or two issues; occasionally three. • If you cannot phrase the issue as a question, you have not yet understood it.
3	Identify the ratio decidendi	The ratio is the binding legal rule, the part of the judgment that matters to future cases.	<ul style="list-style-type: none"> • Ask: what legal rule did the court rely on to reach its decision? • The ratio is the rule, not the outcome (“appeal dismissed” is not a ratio). • If multiple judges gave separate reasons, identify the common ground.
4	Note any obiter dicta	Obiter remarks are influential but not binding. Confusing them with ratio overstates the case’s authority.	<ul style="list-style-type: none"> • Ask: would the case have been decided the same way without this passage? If yes, it is obiter. • Long, sweeping judgments produce a lot of obiter, so read carefully. • Useful in the Impact section, but never label them as the ratio.
5	Plan the four sections	Using a fixed structure forces clarity and stops the Impact section being rushed.	<ul style="list-style-type: none"> • Use four headings, in this order: Facts, Key Issues, Judgment, Impact. • Rough split: around 80 words on Facts, 60 on Issues, 160 on Judgment, 160 on Impact. • Reserve at least a third of the word count for Impact, which is where the analysis sits.



	Stage	Why?	How?
6	Write the Facts	Give the reader just enough context for the legal issue to make sense.	<ul style="list-style-type: none"> • Use a single short paragraph. • Apply the removal test: if cutting a fact would not change the outcome, leave it out. • Names, dates, and procedural detail earn their place only if they bear on the law.
7	Write the Key Issues	To set out the questions of law the court had to decide.	<ul style="list-style-type: none"> • Number them (1), (2), (3) if there is more than one. • Phrase each as a question. • Two or three sentences is normally enough.
8	Write the Judgment	To state what the court decided and why, and to identify the ratio.	<ul style="list-style-type: none"> • State the outcome on each issue (appeal allowed or dismissed; declaration granted or refused). • Identify the ratio in clear prose. Paraphrase rather than quote. • Mention a dissent only if it has been influential or exposes a real weakness.
9	Write the Impact	The analytical heart of the case note. Anything less is descriptive only.	<ul style="list-style-type: none"> • Explain why the case matters and which area of law it shapes. • Trace the case forward: has it been followed, applied, distinguished, or doubted? • Engage briefly with a critical perspective. Has the reasoning been controversial?
10	Style, citation, and proofread	Precise, neutral writing earns marks; poor citation and proofreading loses them.	<ul style="list-style-type: none"> • Use OSCOLA throughout. Italicise case names; use pinpoint paragraphs ([41]) where relevant. • Third person; past tense for what the court did, present tense for the law as it now stands. • Read the note aloud once. Sentences you stumble on need rewriting.

Support: Your module tutor is your first point of contact for questions about case note assessments. For wider support with legal writing and academic skills:

- Department of Law academic skills sessions, advertised on Moodle. Bring a draft for individual feedback.
- OSCOLA Referencing: Go to YSJ [referencing support](#), [Cite Them Right online](#) and choose OSCOLA referencing style. You can also [book an in-person or online tutorial with an YSJ Academic Liaison Librarian](#).
- For academic skills support, access our Study Success self-help resources on the [Study Success webpage](#) or search 'YSJ study success.'
- [Book an in-person or online tutorial on Study Development tutorial webpage](#) or search 'YSJ study development tutorials.'