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FREE RESOURCE

How to Read a Legal Case

A Step-by-Step Guide for Law Students

KNOW THE LAW. OWN THE ROOM.

NOTE TO STUDENTS

These notes are a study aid produced by The Legal Vault. They supplement but do **not** replace your lecture notes, prescribed texts, relevant statutes and legislation, and reading the cases in full. Always verify citations and section numbers against the primary sources before relying on them in assessment.

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Why Reading Cases Is the Core Skill of Law School

Every law module at the University of Botswana requires you to read court judgments. Cases are the primary vehicle through which the common law develops. They are the evidence of what the law actually is -- not what a textbook says it is, but what the courts have actually decided.

Students who cannot read cases efficiently are at a structural disadvantage throughout their entire degree. Every lecture, every tutorial, every exam, and every assignment assumes that you have read the assigned cases and can extract the relevant legal principles from them.

Reading a case is not the same as reading a novel or a newspaper article. It requires a specific technique. This guide teaches you that technique.

THE CORE SKILL

A good lawyer does not memorise cases -- they understand them. Understanding a case means knowing its facts, its issue, its ratio decidendi, and why it matters. Everything else is detail.

The Anatomy of a Reported Case

A reported case in the Botswana Law Reports (BLR) or any other law report series contains several distinct elements. Understanding what each element is helps you read more efficiently.

CITATION	The formal reference to the case. Attorney-General v Dow [1992] BLR 119 (CA) -- this tells you: the parties, the year, the volume, the law report series, the page number, and the court.
CATCHWORDS	Keywords identifying the subject matter. Used for indexing. Tells you at a glance what areas of law the case deals with.
HEADNOTE	A summary of the facts, issue, and decision prepared by the law reporter. IMPORTANT: The headnote is a secondary source. It is not part of the judgment. It is useful for orientation but must never be cited as authority.
COUNSEL	The names of the advocates who argued the case. Useful for understanding the arguments made, but not essential for most purposes.
JUDGMENT	The full text of the court's decision. This is the authoritative part. It contains the facts as found by the court, the legal analysis, the ratio decidendi, any obiter dicta, and the order.
ORDER	The formal order made by the court. The practical outcome -- appeal upheld, judgment for plaintiff, case dismissed, etc.
CRITICAL NOTE	<i>Many students read only the headnote. This is a serious mistake. The headnote summarises -- it does not reason. Examiners ask about the reasoning of the court, not just the outcome. You must read the full judgment.</i>

The 6-Step Method for Reading Any Case

1

Before reading anything else, read the citation. The citation tells you:

- The names of the parties -- who is suing whom.
- The year the case was decided.
- The law report series and volume -- where to find the full report.
- The court that decided the case -- this determines the precedential value of the decision.
- Example: *Ramantele v Mmusi* CACGB-104-12 (CA) -- Court of Appeal of Botswana, case number 104 of 2012.

2

Read the headnote to get a quick overview of what the case is about before you read the full judgment. The headnote tells you the main facts, the legal issue, and the court's decision. This orientation helps you read the full judgment more efficiently -- you already know where the analysis is going.

- Do not rely on the headnote for your citation or your statement of the ratio.
- The headnote is written by the law reporter, not the judge.
- Always go to the full judgment for the actual reasoning.

3

Read the judgment and identify the material facts -- the facts that are legally relevant to the outcome. Ask yourself: what happened? Who did what to whom? What dispute arose? Not every fact mentioned by the court is legally material -- you need to identify which facts the court relied on in reaching its decision.

- Write the facts in your own words in 3-5 sentences.
- Focus on the facts that the court identifies as relevant to the legal issue.
- Background facts that did not affect the outcome can be summarised briefly.

4

What legal question did the court have to decide? The issue is usually stated explicitly by the judge -- look for phrases like "the question before us is..." or "the issue is whether..." If the judge

does not state the issue explicitly, you must identify it yourself from the context of the judgment.

- Frame the issue as a precise legal question.
- A case may have more than one issue -- identify all of them.
- Example: "Whether the advertisement constituted a valid offer or an invitation to treat."

5

The ratio decidendi is the reason for the decision -- the legal principle based on the material facts that was essential to the court's conclusion. It is the binding part of the judgment. Everything else the judge says is obiter dictum.

- The ratio is not the same as the order (who won). It is the legal principle applied.
- Ask: what legal rule did the court apply to these facts to reach this conclusion?
- The ratio must be tied to the material facts -- a proposition stated in the abstract is usually obiter.
- Example: "An advertisement is an invitation to treat, not a valid offer -- Boots Cash Chemists."

6

Why does this case matter? Does it establish a new legal principle? Does it develop or modify an existing principle? Does it resolve a conflict between earlier cases? Does it apply an existing principle to a new factual context? Understanding the significance of a case in the broader legal landscape is what transforms a list of cases into genuine legal knowledge.

- Ask: what does this case add to the law that was not there before?
- Ask: is this case consistent with earlier cases, or does it depart from them?
- Ask: what would the law be without this case?

Ratio Decidendi vs Obiter Dictum -- The Critical Distinction

The distinction between the ratio decidendi and obiter dicta is one of the most important -- and most frequently tested -- concepts in law school. It determines which parts of a judgment are binding and which are merely persuasive.

Ratio Decidendi	Obiter Dictum
The reason for the decision	Something said in passing
Based on the material facts of the case	Not based on the material facts; hypothetical or incidental
Essential to the court's conclusion	Not essential to the conclusion
BINDING on lower courts (stare decisis)	PERSUASIVE only -- not binding
Must be cited when using the case as authority	May be cited as persuasive argument but cannot be cited as binding authority

HOW TO IDENTIFY THE RATIO

Ask: if this part of the judgment were removed, would the court's conclusion change? If yes -- it is ratio. If no -- it is probably obiter. The ratio is always tied to the specific material facts of the case.

Putting It Together -- A Sample Case Brief

Here is a complete case brief for a landmark Botswana case, written using the 6-step method. Use this as your model.

CASE BRIEF

Attorney-General v Unity Dow [1992] BLR 119 (CA)

FACTS

Unity Dow, a Motswana woman, married an American citizen. Under the Citizenship Act 1984, children born of a Motswana mother and a foreign father did not acquire Botswana citizenship, while children born of a Motswana father and a foreign mother did. Dow challenged the Act as unconstitutional.

ISSUE

Whether sections 4 and 5 of the Citizenship Act 1984 were inconsistent with the constitutional guarantees of equality and freedom from discrimination on the grounds of sex, and therefore void.

RATIO DECIDENDI

The ratio decidendi is that the Constitution of Botswana must be interpreted broadly and purposively to give full effect to the fundamental rights it guarantees. A statutory provision that discriminates against women in the transmission of citizenship to their children -- while granting the same right to men in identical circumstances -- violates the constitutional guarantee of equality and freedom from discrimination on the grounds of sex. The relevant provisions of the Citizenship Act were declared unconstitutional.

SIGNIFICANCE

This is the landmark case in Botswana constitutional law. It established the principle of purposive constitutional interpretation and confirmed that constitutional rights override inconsistent statutory provisions. It is also foundational for the law on gender equality and has been cited in every subsequent Botswana case on constitutional rights and customary law discrimination.

How to Brief Cases Efficiently

You will be assigned many cases to read during your LLB. You cannot write a full case brief for every single one. Here is how to work efficiently:

- **Full brief** -- for landmark cases, cases explicitly prescribed for detailed study, and cases you will cite in assessments. Write all 5 elements in full.

- **Short brief** -- for supporting cases cited in the textbook. Write the case name, the ratio decidendi in one sentence, and the significance in one sentence. This is enough for most purposes.
- **Citation note only** -- for cases mentioned in passing that you are unlikely to be examined on directly. Record the citation and a one-phrase description of what the case stands for.

Maintain a case brief book -- either a physical notebook or a digital document -- organised by subject. When revision time comes, your case brief book is your most valuable resource.

PRACTICAL TIP

Write your case briefs in your own words, not copied from the headnote or textbook. The act of reformulating the case in your own language is what builds genuine understanding. If you cannot explain the ratio in your own words, you do not yet understand it.

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