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FREE RESOURCE

How to Write a Case Note

Structure, Ratio, Significance and Critique

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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What Is a Case Note?

A case note is a structured academic commentary on a court judgment. It is one of the most common forms of legal writing assessed in law school and one of the most useful skills you will develop during your degree.

A case note does three things:

- **Describes** -- it summarises the facts, issue, and decision of the case clearly and concisely.
- **Analyses** -- it identifies and explains the ratio decidendi and any significant obiter dicta.
- **Evaluates** -- it critically assesses the significance of the case, its consistency with existing law, and any academic or judicial commentary on it.

A case note is not a case brief. A case brief is a personal study tool -- a quick summary for your own reference. A case note is a formal academic document, written for an audience, with proper citation and critical analysis.

KEY DISTINCTION

A case note that only describes the case earns a pass at best. A case note that describes, analyses, and critically evaluates the case earns distinction marks. The critical evaluation is what separates good case notes from mediocre ones.

The Structure of a Case Note

A well-written case note has five sections. Each section has a distinct purpose. Follow this structure every time.

1 Introduction and Citation

The introduction identifies the case, places it in its legal context, and tells the reader why it matters. It should be brief -- no more than one paragraph. The full citation must appear at the start.

What to write: State the full citation of the case. Identify the court and the year. State the area of law the case concerns. State in one sentence why the case is significant.

EXAMPLE

In *Ramantele v Mmusi* CACGB-104-12 (Court of Appeal of Botswana, 2012), the Court of Appeal addressed the constitutionality of a Ngwaketse customary rule of inheritance that excluded women from inheriting the family home. The case is a landmark in Botswana constitutional and customary law, establishing definitively that customary law rules must conform to the constitutional guarantee of equality.

2 Facts

The facts section tells the reader what happened -- the background story that gave rise to the legal dispute. It must be concise and focused on the legally material facts. Do not include irrelevant background. Every fact you include should be there because it is relevant to understanding the legal issue.

What to write: Write the facts in your own words in no more than two paragraphs. Identify the parties clearly. State what each party did or failed to do. State what dispute arose and how it came before the court.

EXAMPLE

The respondents (Edith Mmusi and others) were relatives of the late Oakdale Mmusi, who had lived in the family home in Mmankgodi for many years and had cared for the family compound. Upon the death of the head of the family, the appellant (Venson Ramantele) claimed the family home under the Ngwaketse customary rule that the youngest male relative inherits the family home. The respondents challenged this rule as unconstitutional.

3 The Legal Issue and the Court's Decision

The issue section states the precise legal question the court had to decide. The decision section states what the court decided and the order it made. Together, these two elements tell the reader what question was before the court and how the court answered it.

What to write: State the issue as a precise legal question. State the court's answer. State the order made. This section should be factual and precise -- save your analysis for section 4.

EXAMPLE

The central issue was whether the Ngwaketse customary rule of inheritance -- under which only the youngest male heir could inherit the family home -- was inconsistent with sections 3 and 15 of the Constitution of Botswana, which guarantee equality and freedom from discrimination. The Court of Appeal held that the customary rule was unconstitutional and declared it void to the extent of its inconsistency with the Constitution.

4 Ratio Decidendi and Obiter Dicta

This is the most important section of the case note. Here you identify and explain the ratio decidendi -- the legal principle that was essential to the court's decision and that is binding on lower courts. You also identify any significant obiter dicta -- observations that are not binding but may be influential.

What to write: State the ratio decidendi precisely. Explain how the court reasoned from the facts to its conclusion. Identify any significant obiter dicta. Explain the relationship between the ratio and earlier cases.

EXAMPLE

The ratio decidendi of *Ramantele v Mmusi* is that customary law rules that discriminate on the basis of sex in the devolution of property are inconsistent with the constitutional guarantee of equality and are void to the extent of the inconsistency. The Constitution is the supreme law of Botswana and prevails over any inconsistent customary rule, regardless of how long-established that rule may be. The court applied a purposive approach to constitutional interpretation, consistent with the landmark earlier decision in *AG v Dow* [1992] BLR 119 (CA).

5 Significance, Critical Analysis and Conclusion

The final section is where you step back from the case and assess its importance. What does this case add to the law? Is the court's reasoning sound? Has the decision been criticised or approved? What are its practical implications? This is where your own analytical voice should

come through most strongly.

What to write: State the significance of the case for the relevant area of law. Critically assess the court's reasoning -- is it convincing? Identify any academic commentary or subsequent cases that have discussed or applied the decision. Conclude with a brief assessment of the case's overall contribution to the law.

EXAMPLE

Ramantele v Mmusi is the most significant Botswana case on the relationship between customary law and constitutional rights. It builds directly on AG v Dow and confirms that the constitution-customary law relationship in Botswana is one of constitutional supremacy. The decision has attracted significant academic commentary. Critics have argued that the court's approach may inadvertently accelerate the erosion of customary law without adequate replacement mechanisms. Supporters argue that the protection of fundamental rights must take precedence over cultural tradition. The case remains the authoritative statement of the law on this question in Botswana.

Formatting, Length and Citation

Formatting

- Font: Times New Roman 12pt or Arial 11pt, double-spaced.
- Footnotes: use footnotes for all citations. Number them consecutively.
- Headings: use the five section headings listed above.
- Word limit: follow the departmental guidelines. A typical case note is 800-1500 words.

Citation Format

Cases are cited in full on first reference: *Ramantele v Mmusi* CACGB-104-12 (CA). On subsequent references, a short form is acceptable: *Ramantele v Mmusi* or simply *Ramantele*.

Statutes: Constitution of Botswana 1966, s 15(3). Employment Act (Cap 32:02), s 40.

Journal articles: Author, "Title" (Year) Volume Journal Abbreviation First Page, Pinpoint.

Common Mistakes to Avoid

- Do not simply re-tell the story of the case -- analyse and evaluate it.
- Do not confuse the headnote with the ratio decidendi. Read the full judgment.
- Do not state the ratio without explaining the court's reasoning.
- Do not omit the critical analysis section -- it is where the best marks are earned.
- Do not exceed the word limit -- editing your work to fit the limit is itself a skill.

FINAL WORD

The best case notes are not summaries -- they are conversations with the court. You are engaging with the judge's reasoning, assessing it, and contributing your own analysis. Write with intellectual confidence.