

Read the Case — The Whole Case!

October 30, 2019

I constantly preach the need to read the whole case once you find that wonderful sound bite by a computer search. But I recently came across some research indicating that jurors follow admonitions in the court's instructions better if they understand the reason for the admonition, and thought the same might be true for lawyers as well. So here is my explanation of why you should read the opinion in its entirety, not just the great sentence you found to quote.

First and foremost, there may be something adverse in the opinion to your position, after the good sound bite, such as an exception that fits your case like a glove. Or the court ultimately may have reached a result different from the one you seek, such that you may not want to rely on the case.

But even assuming there is no such problem with the case, you still should read the entire opinion for multiple other reasons:

1. The court may have used a standard of review that helps your argument in your case.
2. The court may have additional explanations for its ruling that you can use to your advantage.
3. The court may have cited other cases or treatises you have not yet found.
4. In issuing the ruling you tout, the court may have expressly rejected arguments advanced by your opponent. And it may have done so on grounds you previously had not considered raising.
5. The court may have done your job for you and distinguished the cases your opponent cites.

All of this provides ample reasons for you to take the time to read the entire opinion you intend to cite to the court or rely on in an opinion letter to a client. Indeed, it may cause you to decide that the case actually is worth being discussed in text, not merely included in a string cite with the sound bite in a parenthetical.

Authored By



Sylvia H. Walbolt

Related Practices

[Appellate & Trial Support](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our [Contact Us](#) form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.