

CRM 123 – Case Analysis Instructions

Purpose

The goals of this assignment are to provide a valuable skill and to assess your ability to comprehend and apply case law. Reading, briefing, and applying what you are reading in your textbook and learning in the modules are effective ways to become literate in the process of the U.S. legal system.

Conducting an Analysis

Before making and defending a decision, you must be familiar with the relevant law. For our purposes, your textbook and course material provide all the legal concepts needed to apply the law to a factual situation. Once you are familiar with the general content of the chapter, you should be able to recognize the issue involved in a case and find the legal concepts that will help you decide the case. For your reference, a sample analysis is provided at the end of this document.

First, you will read the assigned **fact patterns** (provided via a link in the module). Then, you will complete an analysis for all fact patterns presented. Each analysis should contain the following:

1. **The main issue.** Identify and write (in your own words, at least 50% original) the central issue to be decided. As much as possible, set the issue in legal terms and concepts.
2. **Relevant legal concepts** quoted from textbook court opinions. Search the assigned chapter for legal concepts that will help you decide and justify your decision. Once you find the quotations you wish to use, copy them into the appropriate places in your analysis.
3. **Relevant case law** quoted from the textbook.
4. **Rationale.** Write (in your own words, at least 50% original) a complete explanation about how you used the legal concepts you cited to make a decision about how the case should be resolved.
5. **Ruling.** Describe (in your own words, at least 50% original) what should happen to the parties involved as a result of your decision.

Submit your Case Analysis to the Dropbox **no later than Sunday 11:59 PM EST/EDT** of the assigned module. (The Dropbox baskets for these assignments are linked to Turnitin.)

Grading Rubric

Ratings:

Exceptional corresponds to an A (90-100). Performance is outstanding; significantly above the usual expectations.

Proficient corresponds to a grade of B- to B+ (80-89%). Skills are at the level of expectation.

Basic corresponds to a C- to C+ (70-79%). Skills are acceptable but improvements are needed to meet expectations well.

Novice corresponds to a D to D+ (60-69%). Performance is weak; the skills are not sufficiently demonstrated at this time.

0 This criterion is missing or not in evidence.

Criteria	Ratings				
	0	Novice	Basic	Proficient	Exceptional
Correctly framing the specific legal question to be decided		12-13	14-15	16-17	18-20

Identifying and quoting relevant material from the assigned chapter		12-13	14-15	16-17	18-20
Correctly applying the cited legal concepts to your decision		12-13	14-15	16-17	18-20
The insightfulness and organization of your rationale		12-13	14-15	16-17	18-20
Originality and writing quality		12-13	14-15	16-17	18-20
Total					100

Academic Honesty

This assignment should include your original work and be treated as a take-home examination. You may copy legal concepts and case law from the textbook into the “Relevant legal concepts” and “Relevant case law” sections, but the rest should be written “in your own words” (at least 50% original). The Dropboxes for all Case Analyses are linked to Turnitin, and each submission will be scanned for originality. Substantial overlap with the writing of other students constitutes academic dishonesty and will result in appropriate sanctions.

Sample Analysis Using Headings

Main Issue (your own words)

Has the State of Kentucky violated procedural due process by depriving inmates of a protected liberty right to prison visitors with out a hearing to challenge a visitor who is banned?

Relevant Legal Concepts From Text (quoted from textbook opinions)

Procedural Due Process - 14th Amendment – *Section 1*. “...nor shall any state deprive any person of life, liberty, or property, without due process of law; ...” (pp. 28 & 671)

Relevant Liberty Definition: “...a vast scope of personal rights. It also infers *the absence of arbitrary and unreasonable government restraints*. (p. 29)

“The due process guarantee protects people from unfairness in the operation of both substantive and procedural law.” Procedural law prescribes the method used to enforce legal rights. It provides the machinery by which individuals can enforce their rights or obtain redress for the invasion of such rights.” (p. 29).

Since procedural due process rights cost the government time and money: “Courts generally therefore generally try to balance accuracy against its cost on a case-by-case basis.”

Relevant case law from text:

Melinda Speelman v. Bellingham Housing Authority “Finally, ... both the parties and the public have an interest in ensuring that BHA administers its programs lawfully, Contrary to ... contention, Speelman is not asking for an exception to be applied to her case. She is asking that she be given the process due her and everyone else in her situation. Therefore, the equities favor granting Speelman a preliminary injunction.” (p.38)

Rationale (your own words):

Since BHA was aware that Speelman was in jail, they had an obligation to do more, even though they reasonably attempted to reach Speelman. She was entitled to more due to the unusual set of circumstances presented in the case and the failure to take additional action to properly serve Speelman

deprived her of her constitutionally guaranteed due process rights and she was put in a position of facing eviction without benefit of a hearing.

Ruling (your own words)

The State of Kentucky need not provide hearings for denial of inmate visitors.

Sample Case Analysis in Essay Style

The main issue in this case is whether the State of Kentucky violated procedural due process by depriving inmates of a protected liberty right to prison visitors, without a hearing to challenge a visitor who is banned.

This is a due process case. Procedural Due Process is in the 14th Amendment – Section 1. “...nor shall any state deprive any person of life, liberty, or property, without due process of law...” (pp. 28 & 671). The relevant definitions here is the definition of liberty: “...a vast scope of personal rights. It also infers the absence of arbitrary and unreasonable government restraints. (p. 29)

“The due process guarantee protects people from unfairness in the operation of both substantive and procedural law.” Procedural law prescribes the method used to enforce legal rights. It provides the machinery by which individuals can enforce their rights or obtain redress for the invasion of such rights.” (p.29) Since procedural due process rights cost the government time and money: “Courts generally therefore generally try to balance accuracy against its cost on a case-by-case basis.

The Court examined this issue in *Connecticut Department of Public Safety v. John Doe*, stating “In cases such as *Washington v. Constantineau* (1971) and *Goss v. Lopez* (1975) we held that due process required the government to afford the plaintiff a hearing to prove or disprove a particular set of facts.” However, “...a convicted offender has already had a procedurally safeguarded opportunity to contest.” “Plaintiffs who assert a right to a hearing under the Due Process Clause must show that the facts they seek to establish in that hearing are relevant under the statutory scheme.” (p. 46)

Since the State of Kentucky had “...established regulations to guide prison officials in making visitation decisions,” one could argue that an inmate’s liberty to have visitors has been recognized. It could be further argued that denial of a hearing to challenge the finding that a specific visitor could be barred is protected by due process. However, conducting court hearings requiring an adversary proceeding could be unduly burdensome of the state and the liberty of an inmate has been deprived initially in a procedurally safeguarded hearing. Deprivation of the liberty of convicted inmates to have specific visitors is outweighed by the burden of conducting such hearings.

The court should rule in favor of the State of Kentucky.