

LEXHAWK HEADNOTE WRITING SERVICES

In a common law system currently prevailing in countries like India, England, and USA, decisions/judgments made by judges are significant sources of application and interpretation of law. The large number of legal judgments as well as its varied volume of content creates challenges for the legal community, lawyers, students, researchers as well as the general public. While digitized documents facilitate easy access to a large number of judgments, finding the cases that are relevant to the task at hand and comprehending a vast number of them are non-trivial tasks. This is where the importance of Judgment headnotes comes into the picture.

What is headnote writing?

Judgment headnote writing is a method by which a judgment is presented in an organised way to facilitate in determining the most relevant facts, recognising the legal issues involved, arguments and contentions of the parties with a concise discussion of the judgment and setting out the rationale behind the decision. A good headnote expresses the essence of the judgment accurately, briefly and comprehensively.

Drafting a headnote

In LexHawk, we believe that the best way to understand a case is to write a case summary of it. It clears all the stumbling blocks in the mind with the result being a clear understanding of the judgment which is always easy to remember.

Writing a case summary forces us to ask ourselves key questions and find the answers to the same through the entire process of writing the headnote. It helps us to develop a better grasp of the contents of the decision, learn the application of the legal principles, recall them quickly and make critical remarks.

The basic elements of a headnote that we undertake are:

1. Area of Law
2. Legislations
3. Keywords
4. Facts
5. Issues
6. Submissions/arguments
7. Decision
8. Ratio

Each of these elements is interrelated. The issues emerge from the facts, the submissions revolve around the issues and the findings are conclusions drawn from the submissions. For example, there should be sufficient facts to understand the issues of the case. Similarly, each submission should be answered in the findings.

Judges do not organise their judgments to make our job easy. The relevant facts, submissions and findings are often scattered throughout the judgment and it is our job to identify all of the elements and to organise them in a form that is easy for the reader to follow.

1. Area of Law

We start off the headnote with the general area of law that the case is dealing with. This will be narrowed with each phrase to state the more specific areas of law dealt with in the case.

2. Legislations

We draft the headnotes inclusive of the references to the important legislation bearing on the decision in the case.

3. Keywords

Keywords give a summary of the matters dealt with in a case. They provide the reader with a quick preview of the subject matter of the case without having to go to the headnote. We draft keywords containing only those matters covered in the headnote and do not introduce additional materials.

4. Facts

The entire objective of preparing a headnote is to present the case in the most simplified manner keeping it specific and to the point. Hence, facts with unnecessary detail will be removed from the brief, which is done by cutting down on the use of proper nouns and irrelevant dates and figures.

The facts are drafted in the past tense. We determine the relevance of a particular fact on the basis of its bearing on the legal issues involved and the outcome of the case. Statement of facts is drafted in such a manner that they set out the nature of the litigation, the parties involved, cause of action, relevant laws involved and the course of decision through lower court/s to the present court. We organise the facts in chronological order to build a picture for the reader of what happened and how that led to the present dispute.

The five important elements we consider prior to drafting the facts:

1. Nature of the litigation
2. Who is asking the court and for what remedy?
3. Reason for filing the case
4. Relevant laws in question
5. What has been already decided until now?

5. Issues

Here we try to identify the issues or questions judges explicitly set apart to discuss and decide upon. This part of the case brief is framed in terms of questions. The issues are never fact-specific and each issue will ideally be no longer than a sentence. We only pose those questions as issues that had to be resolved by the court.

6. Submissions/arguments

Here we list out all the submissions/arguments raised by both the parties to prove their case. The corresponding arguments of the opposing parties are clubbed together. We include only those arguments which relate to the issue and form part of the judge's findings.

7. Decision

The decision will answer all the questions raised by the submissions that are included in the headnote and they will be a mirror image of the submissions.

In case of multiple issues, the decision is framed by us in the order of issues or contentions in separate paragraphs. The holding in each paragraph is backed up by the rationale given by the Court and explain the application of the legal principles in the given set of facts. The outcome of the case and procedural disposition (i.e., allowed, dismissed, reversed and remanded, affirmed, etc.) forms the last sentence of this part of the headnote.

8. Ratio

Here, we list out the relevant legal principles used in the judgment as its basis. The legal principles are framed as a declarative statement and not as fact-specific.

Ultimately the objective of the head-note preparation is presenting the end user with the latest legal proposition with multiple search criteria, we at LexHawk Consulting with our tenured team of lawyers endeavor to fulfill this objective and add value to our legal publishing clients with expected quality and consistent turnaround at a very competitive pricing and hassle-free project transitions.

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