**aCASE BRIEF SAMPLE**

Here is a sample brief of the case of *Eric J. v. Betty M.* (Cal. Appellate Case 1999), which you read for homework 1. *Note that Facts and Rationale make up the bulk of the case brief. The facts have been retold in the author’s own words. Not all facts were recited. The Rationale explains the court’s holding and what it means as a rule of law. It cites the case law as well as the public policy that the court applied. The Rationale also explains how the court dealt with a possible contrary case.*

**FACTS**

Robert brought home his new girlfriend, Helen, and her eight-year-old son, Eric, to meet his mother, father, brothers, and sister and their spouses. The relationship between Robert and Helen continued and Helen and Eric were guests several times in different family homes. No family member told Helen about Robert’s criminal history of felony child molestation. It was later discovered that Robert sexually molested Eric during some of these visits at the family homes all the while Robert was on parole for child molestation. Robert was convicted of molesting Eric and sent back to prison. Helen filed suit against Robert’s family claiming they had a duty to warn her about Robert’s criminal past and the potential danger to her child, and failing that duty they were liable for money damages for the harm suffered by Eric. The trial court dismissed the case on a nonsuit motion.

**ISSUE**

Whether the trial court properly dismissed the negligence claim based on the premise that family members of a convicted child molester have no affirmative duty to disclose that information to the molester’s girlfriend who has an eight-year-old boy.

**HOLDING**

The appellate court affirmed the trial court, holding that the family members had no affirmative duty to disclose the information.

**RATIONALE**

The appellate court placed great weight upon the “no duty to aid” rule, developed “over the centuries” in courts. The court noted that a special relationship is required to create a duty to warn, give aid, or otherwise help another. Ultimately, the court found that no such special relationship existed and found no other reason to suggest that the family members had a duty to warn the girlfriend. The court cited several cases, including a California Supreme Court case, *Williams v. State of California,* that establish the “no duty to aid” rule. In short, a person who has not created the danger or risk is not liable simply for failing to take an affirmative action unless there is “some relationship” that creates a “duty to act.” The court rejected a case that seemed to rule the other way, *Soldano v. O’Daniels,* by explaining that the facts in that case clearly showed that the defendant had actually prevented someone else from rendering aid. The court also noted that any decision to find a duty to aid in this case would interfere with family relationships by creating “intolerable conflicts of interest.” Impliedly, this went against public policy.