

Judicial Writing

Gerald A. Williams
Justice of the Peace
North Valley Justice Court

Examples from Appellate Opinions

Great Opening Line
Great Explanation
Great Use of Analogy
Mic Drop Statement



Why Do We Write?

- *Marbury v. Madison*: The Supreme Court held it is emphatically the province and duty of the judicial branch to say what the law is [and not what it should be].
- Judges are required to give reasoned opinions (whether oral or written)

Functions of a Written Opinion

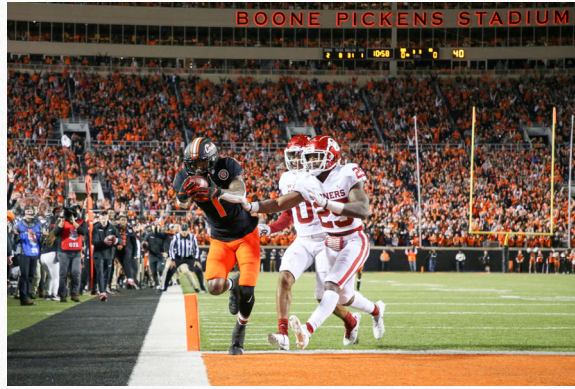
- Communicate the Court's Conclusions
- Force the Judge to Think (Is my conclusion really supported by the facts & the law?)

Goal
of a
Written Opinion

Fairly State Significant
Facts

Explain Relevant Law

Demonstrate
Reasonableness



Basic Structure: IRAC

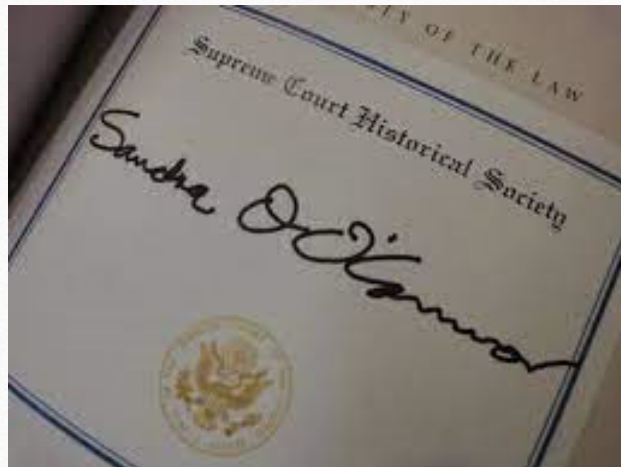
- **Issue** – What is being contested in the case?
- **Rule** – What law (e.g. statute, court rule, case law) applies to the issue before the court?
- **Application** – Apply the relevant facts of the case to the law.
- **Conclusion** - Announce your ruling

IRAC Example

- **I:** The tenant alleged she does not owe rent because her hot water heater did not work and therefore her landlord violated an implied warranty of habitability. **R:** A landlord has a duty to supply reasonable amounts of hot water; but before a tenant can withhold rent for failing to supply an essential service, the tenant must first give the landlord a five-day notice and an opportunity to fix the problem. **A:** In this case, it is undisputed that did not occur. **C:** Therefore, the court holds the landlord is entitled to rent, to late fees in the amount requested in the lease, and to court costs.

So When Should You Write An Opinion?

Almost Anytime You Take
Something Significant
Under Advisement



Format for a Written Opinion (What Do I Call The Headings?)

- Question Presented
- Findings of Fact
- Conclusions of Law and Analysis

Example of a “Question Presented”

The Defendant filed a Motion to Dismiss the charges in this case alleging the State cannot establish that the law enforcement officer had a reasonable suspicion to initiate a traffic stop. This motion is granted.

Findings of Fact

Just the Relevant Facts



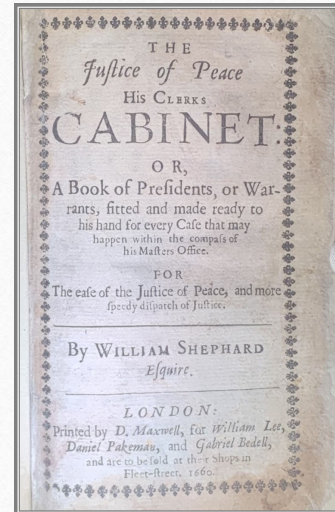
Resolve Disputed Facts



Conclusions of Law and Analysis

Apply the Law to the Facts of the Case

“A” and “C” Part of IRAC



Additional Suggestions

-
- Avoid Humor & Personal Embellishments
 - Be Respectful to Parties and to Attorneys
 - Avoid References to Popular Culture

How Do You Tactfully Say Difficult Things?

How do you say, "I don't believe the police officer?"

How do you say, "You lost because you did not prove damages?"



Sometimes One Sentence on a Court Form Is Enough

Example: The Court dismissed the counterclaim alleging the Plaintiff filed a false lien against the Defendants' home because that type of case must be filed in Superior Court. A.R.S. § 33-420(B).

 A screenshot of a court form from Maricopa County Justice Courts, Arizona. The form includes the following text:

Maricopa County Justice Courts, Arizona
 North Valley Justice Court 14264 W. Tierra Buena Ln., Surprise, AZ 85374 602-372-2000
 CASE NUMBER: CO2023-122004

NOT SO FRIENDLY BANK, N/A
 875 VE RIVER RD
 P.O. Box 100000
 Surprise, AZ 85384

On this date, 12 Aug 2023, the Plaintiff Defendant filed a motion requesting the following relief: Request for Entry on Lien in accordance with A.R.S. § 33-420(B).

The Plaintiff Defendant's response was filed. The Plaintiff Defendant filed a response to the motion on this day. The Plaintiff Defendant did not file a reply. The Court has considered that which has been submitted by the parties.

IT IS ORDERED: Dismissed and entered. Copying and review.

IT IS FURTHER ORDERED:

Date: _____
 Justice of the Peace

Plaintiff's attorney checked a copy of this document for: Plaintiff at the above address Plaintiff's attorney Defendant at the above address Defendant's attorney

01-030-028 (R. 1/1/15)

Proofread with a Purpose

Read Opinion Again from the Point of View of the Party that Lost



Questions?

Ask a Trained Professional

