SYLLABUS

Judicial Opinion Writing

Professor Derek Kiernan-Johnson
University of Colorado Law School
Wolf Law 448
derek.kiernan-johnson@colorado.edu

COURSE OVERVIEW

DESCRIPTION
This advanced legal-writing course examines the contemporary American judicial opinion. We begin by placing our subject in historical and comparative context, and then trace its evolution through the present day. Our attention then shifts to style, with particular emphasis on the ethical, democratic, and rhetorical implications of opinion authors’ stylistic choices. Things take a practical turn when we focus on the nuts and bolts of opinion composition. Time allowing, the semester concludes by examining current issues in opinion layout and typography as well as discussing of the history, mechanics, and ethics of judicial clerking.

POTENTIAL STUDENT INTEREST
Students who might enjoy this course likely fall into several overlapping categories. Such students may be:

- considering careers as authors of judicial opinions, whether as judicial clerks, staff attorneys, hearing officers, or judges;
- considering careers as advocates before opinion-writing bodies, whether at the administrative, trial, or appellate level;
- looking to expand and refine their legal-writing skills; or
- just interested in how opinions have been and can be written.

REQUIRED READING

- Ruggero J. Aldisert, Opinion Writing (AuthorHouse, 2nd ed. 2009).
- Course Packet (excerpts from judicial opinions, books, and articles).

MEETING TIME AND PLACE
Wednesdays 4:15 PM to 5:55 PM, Wolf 202
EXPECTATIONS/EVALUATION

ATTENDANCE AND PARTICIPATION
You are expected to be prepared for and participate in every class. If you must miss a particular class, please let me know in advance.

PASS/FAIL ASSIGNMENTS
This class will feature frequent, short, pass/fail writing assignments. You will submit these assignments to me electronically and will also bring paper copies to class. During class, you will be expected to:
- explain what you wrote and why;
- review and respond to other students’ submissions;
- absorb and reflect upon others’ responses to your own submissions.

CALCULATING GRADES
Grades will be calculated based on three weighted factors:
- class participation (20%), which includes participation in group discussions and exercises, review of other students’ work, effort on pass/fail assignments, and overall helpfulness;
- an exploratory essay (30%), due mid-semester; and
- a final judicial opinion (50%), due at the end of the semester.

HONOR CODE
Your written submissions must reflect your own individual efforts. Once you begin typing an assignment, you may not receive help from anyone but me without my express authorization. You also may not review, discuss, or use in any way any other student’s work if that work involves the same or similar issues as an assignment you are working on.

If your moral intuition and ethical judgment leave you unsure about whether something you are tempted to do falls within this prohibition or otherwise violates the Honor Code, then it probably does. And even if it doesn’t, when faced with such choices restraint is almost always best.
**Accommodations**

**Disability**
If you qualify for accommodations because of a disability, please submit to me in a timely manner a letter from Disability Services. Disability Services' letters for students with disabilities indicate legally mandated reasonable accommodations. Contact: 303.492.8671, Willard 322, www.colorado.edu/disabilityservices.

If you have a temporary medical condition or injury, see guidelines at www.colorado.edu/disabilityservices/go.cgi?select=temporary.html

**Religious accommodation**
Campus policy regarding religious observances requires faculty to make every effort to deal reasonably and fairly with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. See www.colorado.edu/policies/fac_relig.html. If you need such an accommodation, please contact me as soon as possible.

**Care of dependents**
Although no University or Law School policy addresses accommodations for students who are pregnant or who are taking care of young, sick, or elderly dependents, I am happy to discuss appropriate accommodations for students in such circumstances.

**Discrimination and Harassment**
University policies on Discrimination and Harassment, Sexual Harassment, and Amorous Relationships apply to all students, staff and faculty. Students who believe that they have been subjected to discrimination or harassment because of race, color, national origin, sex, age, disability, religion, sexual orientation, or veteran status should contact the Office of Discrimination and Harassment (ODH) at 303.492.2127 or the Office of Judicial Affairs at 303.492.5550. See also www.colorado.edu/odh.
COURSE OUTLINE
This outline represents the anticipated trajectory for this course this semester. Each bullet point represents approximately one two-hour class session. I may, however, adjust slightly our pace and even our subject matter based on things such as the ebb and flow of classroom conversations, perceived student interests, or breaking legal or scholarly developments. Weekly reading assignments will therefore be posted weekly, usually no later than 24 hours after the last class period.

PART I: INSTITUTIONAL STYLE: EVOLUTION & ALTERNATIVES
• The French reaction
• The English experience
• An American approach
• Contemporary American institutional style; emerging challenges

PART II: INDIVIDUAL STYLE
• Voice and tone
• Poetry, purity, rhetoric, and narcissism: Chicago 1995

PART III: PARTS OF AN OPINION
• The opener, facts, disposition & mandate
• Issues and analysis
• Special concerns for trial courts
• Concurrences and dissents

PART IV: MISCELLANEOUS
• Layout & typography
• The ethics of judging and clerking