

# Judicial Writing

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Justice of the Peace  
North Valley Justice Court

## Examples from Appellate Opinions

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



## Why Do We Write?

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- *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

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- 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

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Fairly State Significant  
Facts

Explain Relevant Law

Demonstrate  
Reasonableness



## Basic Structure: IRAC

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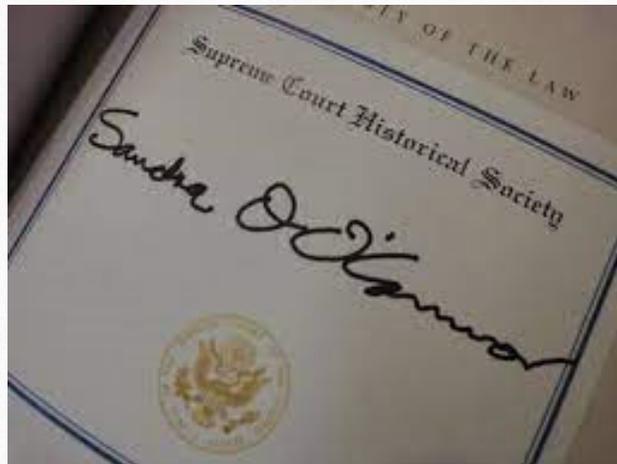
- **Issue** – What is being contested in the case?
- **Rule** – What law (e.g. statute, court rule, case law) applies to the issue before the court?
- **Application** – Apply the relevant facts of the case to the law.
- **Conclusion** - Announce your ruling

## 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?)

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

## Example of a “Question Presented”

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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



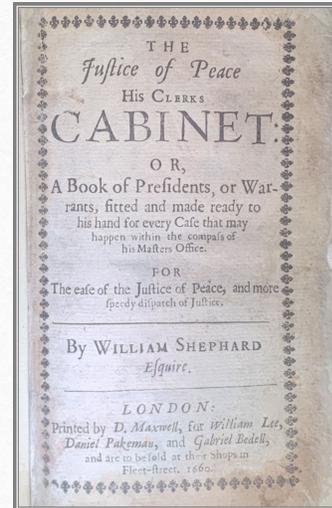
## Resolve Disputed Facts



## 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).

# Proofread with a Purpose

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



# Questions?

Ask a Trained Professional

