

Judicial Writing Manual: A Pocket Guide for Judges

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Judicial Writing Manual

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Judicial Writing Manual A Pocket Guide for Judges Second Edition Federal Judicial Center The link between courts and the public is the written word. With rare exceptions, it is through judicial opinions that courts communicate with litigants, lawyers, other courts, and the community. Whatever the courts statutory and constitutional status, the written word, in the end, is the source and the measure of the courts authority. It is therefore not enough that a decision be correct it must also be fair and reasonable and readily understood. The burden of the judicial opinion is to explain and to persuade and to satisfy the world that the decision is principled and sound. What the court says, and how it says it, is as important as what the court decides. It is important to the reader. But it is also important to the author because in the writing lies the test of the thinking that underlies it. Good writing, Ambrose Bierce said, essentially is clear thinking made visible. Ambrose Bierce, *Write It Right* 6 (rev. ed. 1986). To serve the cause of good opinion writing, the Federal Judicial Center has prepared this manual. It is not held out as an authoritative pronouncement on good writing, a subject on which the literature abounds. Rather, it distills the experience and reflects the views of a group of experienced judges, vetted by a distinguished board of editors. No one of them would approach the task of writing an opinion, or describe the process, precisely as any of the others would. Yet, though this is a highly personal endeavor, some generally accepted principles of good opinion writing emerge and they are the subject of this manual. We hope that judges and their law clerks will find this manual helpful and that it will advance the cause for which it has been prepared. William W Schwarzer Director Emeritus, Federal Judicial Center