

## **How to Read the Opinion of a Court**

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*Library Research Guide*

### **What is an Opinion?**

When a judge hears a case and arrives at a judgment, an explanation or analysis of the reasoning behind the decision is frequently written. The analysis, called an opinion, is then published in the “Reporter” for the court. Significant decisions are published also in other Reporters.

### **Opinions, Dissenting Opinions, and Headnotes**

When several judges are sitting on the court that hears the case, the decision of the court can be unanimous, split, or determined by a simple majority. A judge is assigned to write the opinion if the court, but any participating judge may write a separate opinion of his own. He may agree with the majority on the most points but disagree on others, elaborating on points of agreement and disagreement. He may agree with the majority decisions for reasons other than those given in the majority opinion. He may disagree with the court’s decision and write a dissenting opinion of his own, or he may disagree without writing an opinion. Dissent in the courts appears to have increased over the years. Frequently, the reader will have to glean the relevant facts, issues, and holding from the body of the opinion. To facilitate this, Reporters generally print a brief summary of the case, called “Headnotes”, prior to the actual text of the court’s opinion. These headnotes are not authoritative, but merely reader aids.

### **Information Contained in the Opinion**

The bulk of the opinion of a court will consist usually of an analysis which includes the plaintiff’s arguments and supporting cases, the defendant’s argument and supporting cases, and the court’s review of the cases, statutes, and facts applicable to the case at bar. Here the court will set forth the cases, statutes, and facts upon which it bases its decision. A case opinion appearing in a Reporter will usually contain the following general categories of information: title, facts, issue, decision, decree.

- **Title:** Usually the title includes name of litigants. The full citation contains the volume and the page of the volume in a book of law or a Reporter. If there was an appeal, the preface to the case will usually report the court from which the appeal came and the dates the case was argued and decided. The attorneys who argued the case, and others who assisted in preparing the briefs are noted. The justice delivering the opinion is also reported.
- **Facts:** Facts include the circumstances, events, or occurrences as they actually took place and can also be physical objects as they actually exist or existed. A fact is an actual and absolute reality as distinguished from fiction or error. It is an event. The parties may have disputed the facts, as well as the law, so the “facts”

given in the opinion are the facts as determined in a hearing or trial. If the facts are not in disputes, the court will usually say so.

- Issue: An issue is the disputed point or question of law to which the parties in an action have narrowed their claims or allegations, and upon which they are desirous of obtaining the decision of the proper tribunal. When the plaintiff and defendant have arrived at some specific point or matter affirmed on the one side and denied on the other, they are said to be “at issue”.
- Decision: The court makes a judgment or decree in settlement of a controversy submitted to it; it is an authoritative answer to the questions raised before it. A decision of the court is its judgment; an opinion is the reason given for that judgment.
- Decree: A decree is the resolution for the actual litigants which is pronounced on hearing and understanding all the points in an issue, and determining the right of all the parties to the suit, according to equity and good conscience. Decrees in equity are either final or interlocutory: a final decree fully and finally disposes of the whole litigation leaving nothing that requires further judicial action; an interlocutory decree is provisional or preliminary decree which is not final and does not determine the suit but directs some further procedures preparatory to the final result. The interlocutory decree is pronounced by the court for the purpose of ascertaining matter of law or fact preparatory to a final decree.

When reading a decision, one should keep the following questions in mind:

1. What court is deciding the case? (Only the Supreme Court of the United States or the highest court of the individual state, usually called the Supreme Court, has final authority to settle a question of law. Anything said by the lower court, no matter how well written or reasonable it may seem, may ultimately be overruled.)
2. At what state of the judicial process is the opinion being written? (This is important because the issue may arise on a preliminary motion (i.e., to dismiss the complaint) before trial or hearing. Typically on a preliminary motion, only the plaintiff’s facts are examined. In such cases, the opinion will usually close with instructions on “remand” or to send a case back to the same court out of which it came for purpose of having some action taken in that court.)
3. Who has to follow the court’s holding? (This depends on which court has decided the case. If it is the United State Supreme Court, the decision applies to the entire country. If it is a local district court, the decision applies only to the parties involved subject to an appeal by either or both.)
4. Has the court accurately analyzed the law? (The appellate court only review legal questions—the issue—and accept the facts as the trial court finds them.)
5. What does the case mean for future action by persons or institutions in a position similar or identical to that in which the parties to the case found themselves? (The issue(s) and the holdings of the court are analyzed in an attempt to forecast the outcome in future similar litigation.)