How to Read a U.S. Supreme Court Opinion

Reading a U.S. Supreme Court opinion can be intimidating. The average opinion includes 4,751 words, and is one of approximately 75 issued each year. It might be reassuring, however, to know that opinions contain similar parts and tend to follow a similar format. There are also useful things to identify amid the pages to help focus reading. Here is a basic guide for reading a U.S. Supreme Court opinion.
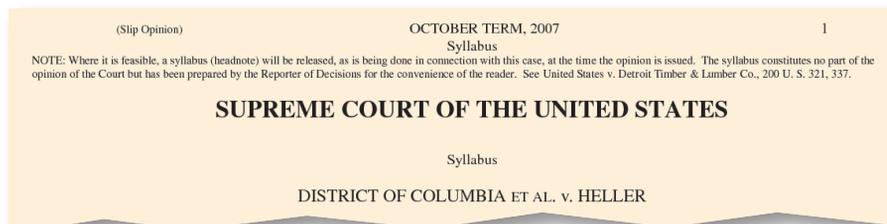
1. Identify the parts

Typically, a U.S. Supreme Court opinion is comprised of one or more, or all, of the following parts:

- **Syllabus**

  The syllabus appears first, before the main opinion. It is not part of the official opinion, but rather, a summary added by the Court to help the reader better understand the case and the decision. The syllabus outlines the facts of the case and the path that the case has taken to get to the Supreme Court. The last portion of the syllabus sometimes summarizes which justice authored the main opinion, which justices joined in the main opinion, and which justices might have issued concurring or dissenting opinions.

- **Main Opinion**

  Following the syllabus is the main opinion. This is the Court's *official* decision in the case. In legal terms, the opinion announces a decision and provides an explanation for the decision by articulating the legal rationale that the justices relied upon to reach the decision. The main opinion may take different forms, depending on how the justices decide certain issues.

(Slip Opinion) OCTOBER TERM, 2007 1
Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See United States v. Detroit Timber & Lumber Co., 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

DISTRICT OF COLUMBIA ET AL. v. HELLER

Sometimes decisions are unanimous—all of the justices agree and offer one rationale for their decision, so the Court issues one *unanimous opinion.* When more than half of the justices agree, the Court issues a *majority opinion.* Other times, there is no majority, but a plurality, so the Court issues a *plurality opinion.* Typically, one justice is identified as the author of the main opinion. *Per curiam* opinions, however, do not identify any authors, and are simply, opinions of the Court.

- **Concurring and Dissenting Opinions**

  Often, there are multiple opinions within the document because the justices are not in agreement. Justices who agree with the result of the main opinion, or the resolution of the dispute between the two parties, but base their decision on a different rationale may issue one or more *concurring opinion(s).* Likewise, justices who disagree with the main opinion in both result and legal rationale may issue one or more *dissenting opinion(s).*

2. Understand the formal elements

Regardless of which, or how many, parts comprise the opinion, they will share several formal elements. Headings typically include the Court term in which the opinion was announced, case docket number, argument dates, and decision date. Another important element is the case name, which helps determine the parties involved in the case (see sidebar). Finally, there might be an explanation of where the case came from before reaching the Court. Often, there is a note about certiorari, an order by which a higher court reviews the decision of a lower court. For example, an opinion may reference "Certiorari for the United States Court of Appeals for the Ninth Circuit." That means the Court reviewed the case from the lower court, the U.S. Court of Appeals of the Ninth Circuit.

3. Read purposefully

When reading an opinion, it is important to focus on a few "big picture" takeaways:

- **Facts**

  Pinpoint the facts of the case, or the "story"—who, what, when, and where. Supreme Court cases tend to begin with a person, place, thing, or event, often in everyday scenarios. The goal is to be able to tell the story of the case, including its procedural history.

- **Legal Dispute(s)**

  What are the legal issues in the case? What questions are being presented? Is the Court interpreting the Constitution or a statute—e.g., an act of Congress? Try to identify the parties' particular dispute(s) and their main arguments.

- **Disposition**

  Generally, the end of the main opinion includes the disposition, or what action the Court is taking. When reviewing decisions from a lower court, the Supreme Court basically has three options:

  - **Affirm**—allow the lower court's ruling to stand;
  - **Reverse, Void, or Vacate**—overturn the lower court's ruling; or
  - **Remand**—send the case back to a lower court for a retrial.

  Sometimes the Court combines the last two of these options—reverse and remand—and not only overturns the lower court's decision, but also orders a retrial.

- **Law**

  The main opinion will include a section on law, which includes the Court's legal reasoning or holding. In some opinions, this will be clearer than others, but try to identify at least one principle of law that the Court outlines as a basis for its ruling. Sometimes, the opinion cites past cases—legal precedent, policy, or outlines other considerations. Finally, were there any concurring or dissenting opinions? If so, try to determine the differences in reasoning.

- **Significance and Scope**

  Consider the significance of the opinion. This may not be readily apparent simply from reading the text of the opinion. What do you think will be its application beyond the particular facts of the case? Consider other possible fact patterns to which it might apply. What else do you think will be the consequence of the opinion, especially considering its holding or legal reasoning? What precedent might it establish?

For more information about reading U.S. Supreme Court opinions, including a document map and explanations of key terms, please visit www.insightsmagazine.org.

What Does That Case Citation Mean?

Each of the pieces of the case citation mean something, as illustrated below:

Gideon v. Wainwright 372 U.S. 375 (1963)
       1   **2** **3** **4**   **5**

1 Case name

2 Volume of the report series in which the full decision is officially documented

3 Name of the report series in which the decision is documented: "U.S." stands for the *U.S. Report,* which is printed by the Supreme Court. Sometimes a case name refers to an independently published series, such as "S. Ct.," which refers to the *Supreme Court Reporter* published by West Publishing.

4 Page number in the referenced volume on which the decision begins

5 Year the opinion was released

A Note on Case Names

Cases are named according to the parties involved. When there are two parties, the first name is the petitioner, or the party filing the lawsuit against the second party, the respondent.

Sometimes case names do not list two parties, such as cases whose names include *In re* or *Ex parte*. *In re* is a Latin term meaning "in the matter of" and is typically used in cases where there are not two designated adversarial parties. Such cases might involve property disputes, court orders, or situations where the Court is asked to clarify matters, such as *In re Debs*. In this example, Debs was challenging an injunction, or court order, issued by the federal government during a labor strike. The term is also used in certain cases involving juveniles, such as *In re Gault*.

Ex parte is also a Latin term, which refers to a case "from one party." Typically, one or more of the parties is absent from the legal proceedings. *Ex parte* is followed by the name of the party who initiated the case, as in *Ex parte Merryman*. One individual, Merryman, arrested during the Civil War, challenged the government's right to hold him without charges. He sought an order that would require the government to charge him with something, or let him go.

Locating Supreme Court Opinions

- **U.S. Supreme Court**
  www.supremecourt.gov/opinions
  The Court posts opinions for the current term as well as PDF copies of bound volumes of opinions from previous terms.

- **Legal Information Institute**
  www.law.cornell.edu
  Comprehensive site from Cornell University Law School that offers opinions and notes "significant" cases from each term.

- **Oyez Project**
  www.oyez.org
  Managed by the Illinois Institute of Technology Chicago-Kent College of Law and offers opinions, audio of oral argument, and summary analysis of each opinion.