Opinion Writing
Also by Ruggero J. Aldisert

*The Judicial Process: Text, Materials and Cases*
(2d ed. 1996)

*Logic for Lawyers: A Guide to Clear Legal Thinking*
(3d ed. 1997)

*Winning on Appeal: Better Briefs and Oral Argument*
(2d ed. 2003)

*Road to the Robes: A Federal Judge Recollects Young Years & Early Times*
(2005)

*A Judge’s Advice: 50 Years on the Bench*
(2011)
Opinion Writing

Third Edition

Ruggero J. Aldisert
Senior United States Circuit Judge,
Chief Judge Emeritus,
United States Court of Appeals for the Third Circuit

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DEDICATION

To our judges, state and federal …

When the Trevelyans and the Carlyles of another time come to write the social history of this period, they will write of how a handful of men and women managed, against all seeming odds, to hold back the night so eagerly awaited by the ignorant armies of many camps.

Bernard J. Ward
Professor of Law
University of Texas
Austin, TX

The dedicatee for this edition is again the late Professor Bernard J. Ward, who died on May 7, 1982. He and fellow professor, author and lawyer, the late Charles Alan Wright, who died on July 7, 2000, were each other’s best friend. It was my special honor to have known both well. Each of them has been associated with my books—either as here, the object of a dedication, or as in the case of Charlie, author of a foreword. I have decided to amplify my dedication to Bernie at this time, because I am now able to make reference to Charlie’s informal memorial piece entitled The Wit and Wisdom of Bernie Ward, 61 Tex. L. Rev. 13 (1982–1983). And in unabashed plagiarism, with Charlie, I say about Bernie that “There was not a law professor in the country who was admired by, and a friend of, so many federal judges.”

Bernie Ward was a man of many passions. He was fascinated by history, he enjoyed sports, he loved poetry, he appreciated feminine beauty [his wife, Elaine], he could be persuaded to enjoy a drop of some stimulating beverage, and he cared, deeply and passionately, about the federal courts. On all of these, and many other subjects, Bernie commented learnedly and eloquently.
61 Tex. L. Rev at 14. Our trails crossed at many circuit judicial conferences, where his speeches were the stuff of which true oratory emerged. More significant was my private time with him as friend-to-friend. We shared a particularly fine summer of 1972 when he and I served on the summer faculty at Texas, invited to teach there by Charlie Wright, who supervised the program. The three of us enjoyed many evenings in their homes, an experience that made solid our connection for so many years. The magnificence of Bernie’s speech and expression was a joy, transmuting text into lyricism. Another anecdote is illustrative:

In 1957 the lower federal courts were “nearing the end of a republic-long era of dallying in the sun,” Bernie thought. “Thereafter, with stunning suddenness the federal courts changed utterly, and a terrible beauty was born. Paradigm shifts were brought about by such things as Monroe v. Pape, large reapportionment decisions, the expansion of habeas corpus, and the 1964 Civil Rights Act and those that followed.” Only a Bernie could say that “strange new little litigants were moving in massive numbers towards the federal Courts—blacks, women, schoolchildren, prisoners and employees.” During the same turbulent and exhilarating time, I was teaching Federal Courts at the University of Pittsburgh School of Law, where I used Charlie’s case book, and shared Bernie’s quotations, and always felt at home with the masters.

—RJA
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Preface to the Third Edition

Differences between this edition and the previous editions are fundamental. To be sure, all editions have been divided into four distinct sections: (1) theoretical concepts underlying a judicial opinion; (2) the anatomy of an opinion; (3) writing style; and (4) opinion writing checklists.

But this present volume is more than a teaching text. Instead, it takes both new and experienced judges by the hand and reveals to them step-by-step how to write a judicial opinion. It is immaterial whether that writer presides over a state or federal trial tribunal, appellate panel, administrative agency proceeding, private arbitration, or the United States Supreme Court. That writer can even be an excited law student who has just received news of an appointment as a law clerk to a judge. They can all find practical and valuable assistance from the pages that follow because I have been writing judicial opinions for over a half century as a trial and appellate judge at the state and federal levels and, at least since the mid-seventies, have been teaching the theory and technique of opinion writing to newly commissioned judges through specialized seminars, lectures and writings.

In over 50 years as a judge, I have been involved with thousands of opinions written by my colleagues and me. Moreover, I have been fortunate in past years to have been designated to serve as a visiting judge in a number of other Judicial Circuits—the Fifth, Seventh, Ninth (extensively), Tenth and Eleventh. My experience serving in the different U.S. Courts of Appeals—from Atlanta, Georgia to Seattle, Washington—has provided me a rare opportunity to acquire first-hand knowledge of the operation of the judicial process.

It is this learning that I want to pass along now. This edition is a combination teaching manual and compendium of information. It is more than “what”; it is “how.”

The emphasis in this book is on appellate court opinions, but much of its contents apply also to opinions of trial judges, arbitrators, administrative law judges
and agency review boards. Because tribunals of the first instance have certain unique characteristics and emphases, this edition seeks to fill a void present in previous editions. Separate treatment is necessary because trial and appellate opinions serve different functions. Trial court opinions are justificatory only—designed to explain the tribunal’s decision. An opinion for an appellate court has a completely different purpose—the correction of errors of trial tribunals, and applying, examining and evaluating the law of the jurisdiction.

Part of any judicial education process is always the give-and-take of informal lunches with other judges. Before I took senior status, I enjoyed these events mainly in Pittsburgh and Philadelphia with federal colleagues. After I made the trip West in 1987, and settled in California, I was fortunate to be invited to join the “judges’ table” (a corner table that was set aside a few years after World War II in the University Club of Santa Barbara). It was here where I made friendships with judges of the Superior Court of Santa Barbara County. These included William Gordon, now retired, and Ronald Stevens and Patrick McMahon, of happy memory. I am now the “old man” at the table, whose regulars include retired judges James Brown and James Slater, and sitting judges Denise de Bellefeuille, George Eskin, Donna Geck, and James Herman.

In writing this book, many of the observations regarding trial judges have been enriched by my lunch buddies, on both the criminal and civil sides of a modern-day California trial court. Each week seems to drive home the fundamental differences between my halcyon experience on a Pennsylvania trial court from 1961 to 1968 and the tasks facing today’s trial judges, tasks that are both comprehensive and sophisticated. I acknowledge with much affection and respect the valuable contributions and insights of my friends at the “judges’ table.”

This is the first edition of this book that discusses at length the importance of administrative law judges. Depending on the case, ALJs might be required to resolve a dispute, make findings of fact, reach conclusions of law, explain the rationale behind a decision, satisfy supervisors or supervising judges that the case was properly decided, create a record for appeal, set precedent, persuade litigants that the law supports the decision, educate litigators and the public about the law, or even reprimand litigants for improper behavior. All of this, the ALJs must do within the constraints of too-little time, binding precedent, agency conventions, readers’ limited attention span, personal schedules, court rules, and updated technology. This book aims to lend a hand in accomplishing these multifaceted tasks.

Also in this edition, other unsung heroes of the judicial process are finally given proper recognition. “Private court adjudication” is what arbitration is
all about. In addition to the decision-making apparatus being private, arbitration is unique because the process is generally based on a contract—that controls the subsequent arbitration procedures, and the award is usually commercial in nature. We have dedicated an entire chapter to arbitration procedures and opinion writing.

Law clerks must understand that this book is for them, too. If a clerk does not have this book prior to starting in chambers, she should start reading this book on her first day on the job. This is an exercise that will serve the law clerk well in the months that follow. Because of their necessary importance in opinion writing, we present a chapter on the important role of law clerks.

Another dimension has been added to this edition—a series of checklists to assist the opinion writer. I have prepared these for all opinion writers. They are designed for photocopying so that writers may have copies of these checklists at their sides as their work progresses. Special forms have been prepared for appellate judges, trial judges, administrative law judges and arbitrators. They take three forms—general checklists, checklists to test opinions and checklists to shorten the opinion.

Any books on opinion writing are considered serious literature by common understanding, if not by definition. This book is no exception. Yet there are times when a dash of humor can be more effective than a page of multisyllabic prose. Although known for writing six serious books on the law, by nature I seek the humorous side of life. To this end, I have conceptualized a dozen or so relevant concepts and asked again a very talented professional editorial cartoonist Russell Hodin, of San Luis Obispo, California, to freshen these pages with wit and bubbling effervescence.1

Although I have emphasized the time, study, and special interests I have in opinion writing that propel the publication of this book, the end product is a collaboration. I have been especially fortunate to have had outstanding assistants in this process. Fifty generations of law clerks have assisted me since I first slipped into my robes in 1961.

For this edition, my sixth book on the law, I am especially grateful for the valuable contributions of two outstanding lawyers, who have added quality, polish and editorial sparkle to my manuscript. They are my 2011–2012 term clerks—Collin Wedel, of Stanford Law School, and Kristina Katz Cercone, of

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Harvard Law School. They demonstrated maturity beyond their years, and profound loyalty and dedication to the success of this comprehensive endeavor.

This is the second book to which my career law clerk, Grace Wendy Liu, has made valuable contributions. After primary and secondary education in Taiwan, she is a graduate of the University of California at Santa Barbara and holds a law degree from Pepperdine Law School.

* * *

Although I technically retired in 1987, since that time I continue to be a very active “senior” federal judge, and in addition, have written a number of books on the law including supplemental editions. This has involved incredible demands, expending valuable time that intrudes on the retirement time of my wife, Agatha, and me. As in the case of the other books, my wife has soldiered on with me and my writing. Thanks to her patience and encouragement, as well as excellent literary advice, our sixty years together have been extraordinarily rewarding.

RUGGERO J. ALDISERT
Senior United States Circuit Judge
U.S. Court of Appeals for the Third Circuit
Santa Barbara, California
2012
The big difference in this new edition is more in format than in text, although we have made some additions. What you will read is very much the same, but occasionally a subject pops up in a different setting, or under a different format, and we have been generous in tweaking some of the text.

The major change, however, will be the extensive availability of this new edition. Anyone who wants a copy can now get one through my publisher, AuthorHouse, or through any of the leading online booksellers.

There was limited access to the first edition, which was provided exclusively to certain members of the judiciary. I was commissioned to write the book; thereafter it was distributed gratuitously. For many years, all federal judges—trial and appellate—received copies of Opinion Writing as they were commissioned, but only state appellate judges were included within the largess. Additionally, state and federal administrative judges, hearing officers, commissioners and private arbitrators—all of whom write judicial opinions—were not included. As the author, I have also received many inquiries as to its availability from law librarians, and many requests to them originated from former law clerks who, having had great familiarity with the book, wanted to continue its use.

The first edition’s distribution was terminated a few years back by the company that had purchased my previous publisher. The new company was no longer interested in the free judge-distribution plan, which was a popular public service but hardly a profitable endeavor. I re-acquired the copyright in order to revise, publish and redistribute the book myself. I am pleased that a wider audience of professional opinion writers and students of the judicial process will now have immediate access to the second edition.

The new added text largely describes methodologies that have become popular since the early edition appeared in 1990, and is chiefly intended to ad-
dress the malady of excessive writing in opinions. As suggested in Chapter One, too many of them have an ailment known as “law reviewitis,” being over-written and over-footnoted, obese and sloppy, instead of clean and neat.

To cure the burgeoning problem of excessive citations, for instance, we start with a question you must ask every time you get the urge to put pen to paper, or fingers to keyboard: “Why am I citing this case in my opinion?” You may be citing the case for the purpose of its analogous material facts. You may be citing the case for reasoning that supports your theory. Or you may be interested only in the conclusion of the case and are citing it only to support the legal consequence attached to a detailed set of facts. Beyond these three reasons, hold off.

I also now highly endorse the use of the parenthetical, a modernly popular writing device that explains a cited case without contributing to an opinion’s undue verbosity. Accompanying a citation with a parenthetical replaces unnecessarily long descriptions of cited cases, and instead achieves the objective of concise opinion writing by zeroing directly in to why you are citing the case and where the case fits into the theme or focus of your opinion.

Finally, I have included an expanded discussion of the importance of logical reasoning in effectively stating the rationale of your opinion, a topic close to my heart. An understanding of basic formal logic is invaluable to excellent opinion writing (and to opinion reading comprehension).

I have been writing judicial opinions for almost 50 years (during my Common Pleas Court judgeship of eight years, the Pennsylvania Supreme Court required trial judges to write an opinion in every case that was appealed; to play it safe, I wrote an opinion in every final judgment). I think I do not exaggerate to suggest that few, if any, judges today have had more experience when it comes to this phase of the judicial process. But I did not work alone. Almost 50 generations of law clerks, in my state trial court and federal appellate experience, have served me faithfully and well. I am quick to acknowledge that I learned something from each of these energetic young men and women, talented graduates of America’s fine law schools. I willingly acknowledge their unfailingly excellent contributions.

From this group I am especially grateful for four volunteer editors who assisted in this endeavor: Rita K. Lomio of the Harvard Law School and Anika Christine Stucky of the Oklahoma Law Center from 2007–2008; and Meehan Rasch of the UCLA School of Law and Matthew Bartlett of the University of California, Hastings College of the Law in 2008–2009. The latter two editors were charged with more responsibility and more extensive activity because of
the earlier changes I had brought about from the first edition, but each of my four wonderful law clerks has left an indelible stamp on these chapters. As well, our book will leave its mark of permanency on them as they proceed into their careers. Ms. Rasch and Mr. Bartlett also coauthored with me a companion law review article to this book, entitled “Opinion Writing and Opinion Readers,” which may be found in Volume 31, Page 1, of the Cardozo Law Review (Fall 2009). I also extend my appreciation to Jacqueline Phan, my judicial assistant and a graduate of the University of California at Santa Barbara, for her loyalty and dedication to these pages and their author.

Law books don’t just “happen”; they take time and research. When the author is still very active on his court, this means substantial commitments to evenings and weekends at home. This is also the precious time of Agatha, my very wonderful wife and helpmate for almost 60 years, who is required to tolerate this intrusion into our time together. In accepting this effort with magnificent patience, Agatha continues to contribute, inspire and support me with love and affection, now into these many years.

RUGGERO J. ALDISERT
Senior United States Circuit Judge
U.S. Court of Appeals for the Third Circuit

Santa Barbara, California
2009
Preface to the First Edition

This book comes not from one person, but from many. My own ideas have been tested and refined over the years in a process where I have observed and absorbed the talents of others.

Because appellate judges, trial judges, administrative law judges, and government board or commission members—all of us—are professional writers, there is much from which to pick and choose in examining our writings. Moreover, what we write is as important as what we decide. This is so because a judge’s opinion performs as well as explains. It is a performative utterance. In this respect, writings of the government’s judicial branch are unique. Written explanations of decisions in the executive and legislative branches (and in the private sector) do not possess the power of judicial opinions. They possess neither the bite of precedent nor the authority of case law. The contents of this book are expansions of discussions held at the Senior Judge Seminars sponsored by the Institute of Judicial Administration at New York University in 1970–1971, 1973–1982 and 1985. They reflect also ideas discussed in seminars for newly appointed judges at the Federal Judicial Center in Washington, D.C., 1974–1980, 1982. I had the privilege to serve as discussion leader in “Opinion Writing” at many of these sessions. I acknowledge, therefore, an indebtedness to the judges of the highest courts of the state and federal judicial systems, who were members of the seminars. If you have a penchant for numbers, this is over 300 appellate judges from each of the 50 states, from all federal courts and from the Supreme Court of Canada and most Canadian provinces. In 1989, I counted 24 of the then state chief justices in that group.

I am indebted to the people at West Publishing Co. for encouragement, support and valuable assistance in the publication of this book.

Thirty generations of law clerks in the Common Pleas Court of Allegheny County, Pennsylvania (Pittsburgh) and the United States Court of Appeals for
the Third Circuit served me faithfully and well. I am quick to acknowledge that I learned something from each of these energetic young men and women, talented graduates of America’s fine law schools.

I thank my editor Oscar Shefler, world-class writer and friend of over 50 years. We first worked together from 1937 to 1941 on The Pitt News, student newspaper at the University of Pittsburgh. We are older and grayer now, but our juices still manage to run when a reworked phrase finally sounds just right. I also thank Catherine S. Hill, Anne Marie Finch and Susan Simmons Seemiller for exhaustive research and valuable editorial and substantive suggestions, and Susan von Frausing-Borch and Mary Ellen Staab for manuscript preparation.

Finally, I am grateful for the patience and good cheer of my wife, Agatha, who continues to inspire out here in California as much as she did in those many Pittsburgh years.

RUGGERO J. ALDISERT
Senior United States Circuit Judge

Santa Barbara, California
December 1990
Ruggero J. Aldisert, Senior Circuit Judge of the U.S. Court of Appeals for the Third Circuit, received his B.A. and J.D. degrees from the University of Pittsburgh. Following college, he served for four years on active duty during World War II in the U.S. Marine Corps. His distinguished career on the bench began in 1961, when he was elected as a judge for the Court of Common Pleas of Allegheny County, Pennsylvania. In 1968, he was nominated by President Lyndon B. Johnson to serve on the U.S. Court of Appeals for the Third Circuit, where he remains today and where he served as Chief Judge from 1984 to 1986. In addition to a distinguished career on the bench, Judge Aldisert has also written numerous popular and influential books addressing legal writing issues.

For more than 20 years, from 1963 to 1986, Judge Aldisert was an adjunct professor at the University of Pittsburgh School of Law in Pittsburgh, Pennsylvania. He has been a visiting professor at Arizona State University, New York University, the University of Texas, the University of Virginia, and Augsburg University in Germany. He has lectured throughout the United States, and throughout the world, in such places as Canada, England, France, Germany, Italy, Poland, Croatia, and Serbia. He has also published more than 40 articles on the law.

Not only has Judge Aldisert advanced the cause of better legal writing in his capacity as judge, educator, and writer, he has also earned the respect of some of the most esteemed members of the legal community. In 2005, Aldisert became the first recipient of the “Distinguished Appellate Jurist Award,” bestowed by the American Bar Association’s Council of Appellate Lawyers. In 2008, Aldisert received the “Golden Pen Award” from the Legal Writing Institute for his “unwavering commitment to promote the use of clear language in his judicial opinions, in his books, and in his teaching.” Former Associate Justice of the United States Supreme Court Harry A. Blackmun offered the following commentary in the foreword to Judge Aldisert’s book The Judicial Process: Text, Materials and Cases:

He loves the law. He yearns to know its history and its character or, to use the word he has employed effectively in this volume, its anatomy.
He has a persistent but most refreshing curiosity about the law. He wants to know what it is, why it is what it is, and how all of us who labor in its vineyard use or misuse it.
This book is new. Its purpose is not. That purpose traces its ancestry to 1970, when I first attended the Institute of Judicial Administration's Senior Appellate Judges Seminar in New York. With some eight years under my belt as a Pennsylvania Common Pleas Court (trial) judge, I was then completing my second full year as a U.S. Circuit Court of Appeals judge. By that time, I realized I needed to know more about opinion writing.

This is not to say that I was a novice. Pennsylvania Common Pleas judges had to write an opinion in every case that came up for appeal. As a result, I prepared a written statement of reasons in every post-trial motion, as well as in pretrial motions to suppress evidence. Still, I was not comfortable with opinion writing, and was prompted to ask many questions of the seminar leaders and to record their comments most dutifully.

Who were the seminar leaders? It is no exaggeration to say they were judicial giants: Roger J. Traynor from California, Walter V. Schaefer from Illinois, John Minor Wisdom from Louisiana, Frank Kennison from New Hampshire, Samuel J. Roberts from Pennsylvania, Robert A. Leflar from Arkansas and Warren E. Burger from Washington, D.C.

More interested in theory than in style, I asked the discussion leaders to reconcile the lean, crisp approach of Justice Schaefer's Illinois Supreme Court—which, by rule, prohibited all those accursed footnotes—and the florid style of the U.S. Supreme Court—which (except for Hugo Black's writings) were cluttered with multiple citations and footnotes and separate opinions. I was told that there was no schoolbook answer, but the discussion leaders agreed that the sole purpose of the judicial opinion was to explain the decision and not to take on the character of a law review article.

I was invited back to the seminar as a faculty member in the following year and later accepted the task of discussion leader in “Opinion Writing.”

By 1973, I had prepared a somewhat detailed outline for advance distribution to seminar members. Class discussions with newly selected judges of the highest state courts, Canada and the U.S. Courts of Appeals, however, prompted
me to revise and make additions, and deletions. Each subsequent year brought further modifications. These continued even after I took out a copyright in 1979, driven by new insights gained in contacts with seminar colleagues and in discussions at the Federal Judicial Center’s seminars for circuit judges.

It was a momentous time for me as I became more and more enthralled by the idea of writing a book on the subject. The wish was father to the execution as I took heart upon being assured that the advance of years had not lessened the processes of ongoing maturation and creativity; in fact, my experience added to the process.

In order to stimulate further discussion, I made an annual distribution of the newly revised outline to judges of the highest courts as well as participants in the Intermediate Appellate Judges Seminar. I must admit that my ego suffered not one bit when the feedback included such comments as “Your outline is the first thing I give to my clerks” and “When are you going to expand this into a book?” Harold Ross, late editor of The New Yorker, once wrote upon coming across an exceptional manuscript, “I am encouraged to go on.” Borrowing the thought, I responded in the same manner to those comments.

At last, I was ready to start the job; this time fate intervened as I assumed the position of chairman of the Advisory Committee on Bankruptcy Rules. That post imposed great demands upon my schedule. When it ended, I slipped into the robes of Chief Judge of the U.S. Court of Appeals for the Third Circuit. The spirit remained willing to write the book, but the assignment left little or no time for extrajudicial activities.

Once I attained senior judge status, that excuse no longer served me. After all, nothing much engaged my hours except for sittings with my home court in Philadelphia and my lively calendars as a visiting judge with the Fifth, Ninth and Eleventh Circuits, and various committee assignments.

Like most people who take on the writer’s craft as a secondary activity, I found that what counts is not so much the 24 hours of the day as the minutes left over. Too, I must confess that the duties listed in the paragraph above came more easily and allowed more discretion in the rationing of time than those involved when I served as the ranking officer of the Third Circuit.

Thus was born the book you now hold in your hands. It bears my name as author and the words are indeed mine, but the content is the result of interaction with about 300 senior appellate judges, including four justices of the U.S. Supreme Court, over a span of about 20 years.
The Book: How to Use It

The book is divided into four parts: Theoretical Concepts Underlying an Opinion; The Anatomy of an Opinion; Writing Style; and Opinion Writing Checklists. It may help if I set forth a few guidelines.

This book is for every judge at every level: local, state and federal; appellate and trial court judges; administrative law judges, hearing officers and members of the agency. It will be particularly helpful for all law clerks. The country’s private judges—arbitrators—will also benefit from this edition. If you are not on this list, you may be excused from class. Otherwise, please attend.

Every judge, including this author, can profit by learning how to improve the work product. We are constantly surrounded by court attaches, law secretaries, law clerks and lawyers who “Your Honor” us to death. All of them agree that you, so far undiscovered, are the greatest master of English prose since Winston S. Churchill and the greatest opinion writer since Benjamin Nathan Cardozo. Remember, though, what the English divine Thomas Fuller said some three centuries ago: “He that praiseth publicly will slander privately.” Let the content of this book help you to determine for yourself whether there is the remotest possibility of improvement in your splendid prose. In other words, at least read some parts of this book to see whether you are capable of exceeding heights.

At some time, I hope, you will read most of the book.

What you tackle first, and in what order you continue on to the rest of it, may depend upon how you classify yourself according to the following self-rating categories:

Experienced Trial and Appellate Judges

(Surely you are not one of those crotchety old dogs—we all know a few of them, don’t we—the guys and gals who take refuge in the contention that they have been around too long to learn new tricks.)

Read the checklists in Part Four (Chapter 21 for trial judges and Chapters 18–20 for appellate judges). Then, if you think you can improve at least some of your writing habits, look at Part Two: Anatomy of an Opinion to see what interests you:

• Orientation paragraph
• Summary of issues
• Statement of facts
• Writing the reasons of decision

At this point, you may find time to read Part Three: Writing Style.
Having been beguiled into traveling this far, you may decide that you have
made such an investment in effort that you might as well proceed to the end.
It is not guaranteed, but what author has ever been free of that hope?

**Trial Judges: New or Veteran**

Read Chapter 13: “Opinions of Trial Courts and Hearing Tribunals” as well
as Chapter 21: “Trial Court and Hearing Tribunal Checklists.”

**Administrative Law Judges: New or Veteran**

Read Chapter 14: “Opinions of Administrative Law Judges” as well as Chap-

**Arbitrators: New or Veteran**

Read Chapter 15: “Arbitration Procedures and Opinion Writing” as well as
Chapter 23: “Arbitrators’ Checklists.”

**All New Judges**

Who are they? They are all judges with less than three years of experience.
My advice: start with page one and read the entire book. My guarantee: if
you take my preachings to heart and apply them faithfully, you will not only
write better opinions but win the undying respect of your peers in the profes-

**Law Clerks**

This book is for you. Start reading this book your very first day on the job.
If there is anything you have trouble understanding, I will accept the blame
and ask you to grant me exculpation by reading it again and again until you do understand it. This is an exercise that will serve you well as you rise in your chosen profession.

To those few of you who think you already know as much as your mentors have learned over the course of their careers, I commend these words of Mark Twain:

When I was a boy of fourteen, my father was so ignorant I could hardly stand to have the old man around. But when I got to be twenty-one, I was astonished at how much the old man had learned in seven years.