How to Read a U.S. Supreme Court Opinion

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Reading U.S. Supreme Court opinions can be intimidating. Yet, in the digital age, it has never been easier to access them. The average opinion is about 4,750 words, and is one of approximately 75 issued by the Court each year. It might be reassuring to know that opinions contain similar parts and tend to follow a similar format. There are also useful key words to identify amid the pages of a PDF or HTML text to help focus reading. Here, “Looking at the Law” offers a basic guide for reading and analyzing these important primary legal documents.

Step 1: Identify the Parts.
Typically, a U.S. Supreme Court opinion document is comprised of one or more, or all, of the following:

Syllabus
The syllabus appears first, before the main opinion. It is generally identified by a heading. The syllabus is not part of the official opinion, though it is often printed in the opinion document; but is rather, a summary added by the Court to help the reader better understand the case and the decision. The syllabus may be several pages long, and outlines the facts of the case and the path that the case has taken to get to the Supreme Court. The syllabus was particularly significant in the recent health care ruling. It was, for many media outlets, the quickest summary of breaking news available for public reporting. The syllabus often concludes with a summary of which justice authored the main opinion, or the resolution of the dispute between the two parties, 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. It is often set apart from the syllabus with a heading: “Opinion of the Court,” or will announce a particular justice delivering the opinion for the Court. Typically, one justice is identified as the author of the main opinion, as in “Mr. Chief Justice Warren delivered the opinion of the Court,” from Brown v. Board of Education. This practice originated in the early nineteenth century with Chief Justice John Marshall, who felt it presented a unified front, and would ultimately bolster the Court’s prestige.

Per curiam opinions, however, do not identify any authors, and are simply, opinions of the Court. Latin for “by the court,” per curiam opinions tend to be shorter in length, and address questions where individually authored opinions may not be the most effective. Bush v. Gore, for example, was a per curiam opinion issued to resolve the 2000 presidential election dispute.

In legal terms, the opinion announces a decision and provides an explanation by articulating the legal rationale that the justices relied upon. The main opinion may take different forms, depending on how the justices decide certain issues. Sometimes all of the justices agree on both the result and the legal rationale for their decision. The Court, in these cases, issues one unanimous opinion. Brown, for example, was a unanimous opinion with all nine justices agreeing on the decision and the legal rationale. When more than half of the justices agree on the same result and the rationale, the Court issues a majority opinion. Tinkerv. Des Moines, for example, was a majority opinion, with seven justices ruling for the petitioner, Tinker, and agreeing with the rationale, and two justices not in agreement with the majority.

Other times, there is no majority, but a plurality, so the Court issues a plurality opinion. The 2008 case concerning voter identification, Crawford v. Marion County Election Board, was a plurality decision with six justices agreeing on the decision, but disagreeing on the legal rationale. Three justices agreed on one rationale, while three justices agreed on another. Three other justices did not agree with the decision.

Concurring and Dissenting Opinions
Often, there are multiple opinions included in the opinion document because the justices are not in agreement. These are set apart from the rest of the opinion with specific identifying headings. The 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). The opinion in the 2011 free speech case, Snyder v. Phelps, for example, includes
both a concurring and dissenting opinion. Justice Stephen Breyer agreed with the decision, but not the rationale, so he issued a concurring opinion. Justice Samuel Alito, however, disagreed with both the decision and the rationale, and issued a dissenting opinion.

Step 2: Understand the Formal Elements
Regardless of which, or how many, parts comprise the opinion, they will share several formal elements. Headings, also known as the “caption,” typically include the Court term in which the opinion was announced. Supreme Court terms begin in October of each calendar year, and extend into the summer of the following year. So a decision announced in March 2013 would be part of the 2012 Term, since the term began in October 2012. Opinions also include the case docket number, argument dates, and decision date. Another important element is the case name, which identifies the parties involved in the case. Generally, the party listed first is the petitioner, or party petitioning, or suing, the court for judgment against the other party, known as the respondent. For example, the name of the case Snyder v. Phelps originates from the fact that Albert Snyder filed suit against Fred Phelps, Sr. The case name U.S. v. Jones denotes that the United States government filed suit against Antoine Jones.6

The heading might also include an explanation of where the case came from before reaching the Court. Often, there is a note about certiorari, a Latin word for “to be informed of,” and in legal terms, an order by which a higher court reviews the decision of a lower court. For example, the opinion in Brown notes “appeal from the United States District Court for the District of Kansas.” That means the case is being reviewed upon appeal from the U.S. District Court for the District of Kansas. Bush v. Gore notes “on writ of certiorari to the Florida Supreme Court.” This means that the case was being reviewed for the Florida Supreme Court.

Finally, just as opinions have commonalities in their openings, they also have commonalities in closings. Main opinions end with the phrase, “It is so ordered.” This is meant to reinforce the notion that this decision is coming from the Court, not an individual justice, despite who might be identified in the opinion documents, and shall be executed or enforced.

Step 3: Read Purposefully
When reading an opinion, it is important to focus on a few “big picture” takeaways:

Facts
Pinpoint the stated facts of the case, or the “story” or narrative—who, what,
when, and where. Supreme Court opinions tend to begin with a person, place, thing, or event, often in everyday scenarios. Knowing the story being told helps to make the case more relatable to the reader and the resolution easier to understand. The knowledge that 13-year-old Mary Beth Tinker was suspended from school for wearing black arm bands in protest of the Vietnam War helps to understand the final decision that she had a First Amendment right to do so without penalty. The reading goal is to be able to tell the story of the case, including its procedural history. Mary Beth Tinker’s father filed suit in federal court. Initially, the court decided in favor of the school. Tinker appealed. The Court of Appeals could not decide! The court was equally divided, so the decision in favor of the school from the lower court stood. Again, the Tinkers appealed, this time to the Supreme Court. How the case reached the Supreme Court is an essential part of the opinion, as it provides familiarity and context for understanding the ruling.

Legal Dispute(s)
What are the legal issues in the case? What questions are being presented? Is the Court interpreting the U.S. Constitution or a statute—e.g., an act of Congress? Try to identify the parties’ particular dispute(s) and their main arguments. For example, the question presented in Snyder v. Phelps was: “Does the First Amendment protect protesters at a funeral from liability for intentionally inflicting emotional distress on the family of the deceased?” Often, a substantial portion of the main opinion outlines the legal questions presented, the arguments presented to the Court, and the legal reasoning that the justices used to arrive at their decision.

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 typically has three options:

1. Affirm—allow the lower court’s ruling to stand;
2. Reverse, Void, or Vacate—overturn the lower court’s ruling; or
3. Remand—send the case back to a lower court for a retrial.

In Tinker, for example, the Court reversed the lower court’s judgment. Sometimes the Court combines the options to 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, if there were any concurring or dissenting opinions, try to determine the differences in reasoning.

What Does that Case Citation Mean?
Each of the elements of the case citation means something, as illustrated below:

<table>
<thead>
<tr>
<th>Gideon v. Wainwright</th>
<th>372</th>
<th>U.S.</th>
<th>375</th>
<th>(1963)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Case name</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>2</td>
<td>Volume of the report series in which the full decision is officially documented</td>
<td></td>
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<tr>
<td>3</td>
<td>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.</td>
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<td>4</td>
<td>Page number in the referenced volume on which the decision begins</td>
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<td>5</td>
<td>Year the opinion was released</td>
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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.
Significance and Scope
Consider the significance of the opinion. What was the significance of the decision in Brown declaring school segregation unconstitutional? How does it resolve the original story presented in the case? 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?

After all of this, please do not be shy about reading U.S. Supreme Court opinions. They are primary sources that tell stories, and hopefully, this primer gives you a few things to keep in mind as you set out to analyze them.

Notes

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