

# Judge for Yourself: Designing a Judicial Writing Course

**Widener University School of Law – Harrisburg**

**Dionne E. Anthon**

(717) 541-3919

DEAnthon@widener.edu

**Amanda L. Smith**

(717) 541-3946

ALSmith9276@widener.edu

## Potential Textbooks

- RUGGERO J. ALDISERT, *OPINION WRITING* (Carolina Academic Press 2012) (focuses on appellate court opinion writing, includes concurrences and dissents, checklists)
- AMERICAN BAR ASSOCIATION, *JUDICIAL OPINION WRITING MANUAL* (West Publishing Company 1991) (written for appellate court judges and focuses on opinion writing)
- CALVERT G. CHIPCHASE, *FEDERAL DISTRICT COURT LAW CLERK HANDBOOK* (American Bar Association 2007) (includes various types of trial court writing)
- MARY L. DUNNEWOLD ET AL., *JUDICIAL CLERKSHIPS: A PRACTICAL GUIDE* (Carolina Academic Press 2010) (includes legal writing, research, and citation refresher, trial court and appellate court writing)
- J.J. GEORGE, *JUDICIAL OPINION WRITING HANDBOOK* (William S. Hein & Co., Inc. 2007) (written for judges and, despite its title, includes numerous types of judicial writing beyond opinions for both trial and appellate courts)
- JOSEPH L. LEMON, JR., *FEDERAL APPELLATE COURT LAW CLERK HANDBOOK* (American Bar Association 2007) (includes bench memos and opinion writing)
- ALIZA MILNER, *JUDICIAL CLERKSHIPS: LEGAL METHODS IN MOTION* (LexisNexis 2011) (includes both trial and appellate court writing, bench memos, exercises, and teacher's manual)
- JENNIFER L. SHEPPARD, *IN CHAMBERS: A GUIDE FOR JUDICIAL CLERKS AND EXTERNS* (Aspen Publishers 2012) (includes trial and appellate court writing)

## Other Books for Reference

- JILL BARTON & RACHEL H. SMITH, *THE HANDBOOK FOR THE NEW LEGAL WRITER* (Aspen Publishers 2014) (includes a chapter on judicial opinions)
- ELIZABETH FAJANS ET AL., *WRITING FOR LAW PRACTICE* (Foundation Press 2010) (includes a chapter on judicial opinions with exercises and teacher's manual)
- MICHAEL HUNTER SCHWARTZ ET AL., *TEACHING LAW BY DESIGN: ENGAGING STUDENTS FROM THE SYLLABUS TO THE FINAL EXAM* (Carolina Academic Press 2009) (includes a chapter on designing a course)
- ANN SINSHEIMER ET AL., *LEGAL WRITING: A CONTEMPORARY APPROACH* (West Academic Publishing 2014) (includes a chapter on "writing as the court" that includes bench memos and opinions, with exercises)
- LOUIS J. SIRICO, JR., *JUDGING: A BOOK FOR STUDENT CLERKS* (LexisNexis 2002) (collection of articles on judges' and law clerks' roles within the judiciary)

## Articles

- Erik Paul Belt, *Concerned Readers v. Judicial Opinion Writers*, 23 U. MICH. J.L. REFORM 463 (1990)
- William J. Brennan, Jr., *In Defense of Dissents*, 37 HASTINGS L. J. 427 (1985)
- Tim Cobb & Sarah Kaltsounis, *Real Collaborative Context: Opinion Writing and the Appellate Process*, 5 J. ASS'N LEGAL WRITING DIRECTORS 156 (Fall 2008)
- Mary Dunnewold, *Please the Court: How to Write a Judicial Bench Memo*, 33:9 A.B.A. STUDENT LAWYER 23 (May 2005)
- Ruth Bader Ginsburg, *Remarks on Writing Separately*, 65 WASH. L. REV. 133 (1990)
- Alex Kozinski, *What I Ate for Breakfast and Other Mysteries of Judicial Decision Making*, 26 LOY. L.A. L. REV. 993 (1993)
- David Lane, *Bush v. Gore, Vanity Fair, and a Supreme Court Law Clerk's Duty of Confidentiality*, 18 GEO. J. LEGAL ETHICS 863 (2004)
- Gerald Lebovits & Lucero Ramirez Hidalgo, *Advice to Law Clerks: How to Draft Your First Judicial Opinion*, 36 WESTCHESTER BAR J. 29 (Spring/Summer 2009)
- Gerald Lebovits et al., *Ethical Judicial Opinion Writing*, 21 GEO. J. LEGAL ETHICS 237 (2008)
- Gerald Lebovits, *Judges' Clerks Play Varied Roles in the Opinion Drafting Process*, 76 N.Y. ST. B. A. J. 34 (July/Aug. 2004)
- Jennifer Sheppard, *The "Write" Way: A Judicial Clerk's Guide to Writing for the Court*, 38 U. BALT. L. REV. 73 (2008)
- Amy Sloan, *Appellate Fruit Salad and Other Concepts: A Short Course in Appellate Process*, 35 U. BALT. L. REV. 45 (Fall 2005)
- Ruth C. Vance, *Judicial Opinion Writing: An Annotated Bibliography*, 17 J. LEGAL WRITING INST. 197 (2011).
- Nancy A. Wanderer, *Writing Better Opinions: Communicating with Candor, Clarity, and Style*, 54 ME. L. REV. 47 (2002)

## Access to Presentation Materials & Samples

Our presentation materials and sample syllabi, assignments, rubrics, and other course materials can be found at <http://dionneanthon.com/lrw/2014lwi/judicialwriting.html>. Thank you to those who responded to our request for materials: Todd Bruno, Laura Graham, Nicole Raymond Chong, Jill Barton, and Brenda Lea Tofte.

- ❖ If you have any judicial writing course materials that you are willing to share, please email them to Dionne Anthon.