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The Appellate Code: The Many Meanings of "Per Curiam"

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We all know that “per curiam” means “by the court.” But, to echo a 1960s hippie-type, what does “per curiam” *really mean*, man? What message, if any, is an appellate court conveying by issuing an opinion “per curiam”?

Fear not—I’ve got the super-secret decoder ring. Here, in a nutshell, are the various meanings of “per curiam.”

None of the judges wrote the opinion. The Fourth Circuit sends a large proportion of cases—particularly those involving pro se litigants, but also many others—to its Office of Staff Counsel for decision without argument. In such cases, a staff attorney drafts an opinion for review, revision, and adoption by the judges. These opinions are invariably issued “per curiam,” since no single judge has taken responsibility for drafting the opinion.

All of the judges wrote the opinion. This occurs more rarely, usually in highly complex cases that result in very long opinions. Different judges on the panel will take responsibility for drafting portions of the opinion, with the result that the opinion truly is “by the court.”

One of the judges wrote the opinion, but they don’t want you to know who. Sometimes, the panel wants to emphasize that the decision reflects the views of the court writ large, not just the reasoning of an individual judge. When all three judges sign onto a per curiam opinion, all of them are vouching for the reasoning as well as the result, thus throwing the whole weight of the court behind it.