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Investigating Interactional Features in Legal Texts: An Analysis of American and British Written Judicial Opinion

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ABSTRACT

Although judicial opinions are inherently persuasive texts that seek to rationalise legal decisions and communicate with multiple audiences, the interactional metadiscourse markers through which judges achieve these purposes remain insufficiently examined. Since each element in the structure of judicial opinion text has a distinct communicative function, exploring metadicourse across these structural elements is essential for understanding how judges employ these features throughout the judicial opinions. Therefore, Strong's (2015) and Lu and Yun's (2021) categories of structural elements were adapted to identify the structure of judicial opinions. Besides that, the study followed Hyland's (2005) metadiscourse model to investigate the performance of the interactional markers within these elements. Twenty judicial opinion texts were randomly selected from two official websites. The analysis involves comparing the utilisation of metadiscourse in two distinct cultures, namely the U.S. and the UK. Moreover, the study intends to determine whether judges follow the legal norms concerning the use of metadiscourse. The findings show that the analysed data includes 4 to 6 structure elements in the opinion texts. A slight difference is found in the order and the occurrence of these elements in both the British and American texts. Moreover, the results show a minimal use of the interactional markers, which are located mostly in the structural element 'Analysis of the legal issues.' This study provides insight into how linguistic features are recruited into the organisation of legal texts, targeting both experienced and novice judges. Furthermore, it demonstrates that metadiscourse exhibited distinct variations within this particular genre.

Keywords: Appellate court, interactional metadiscourse, judicial opinion, legal discourse, structural elements

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INTRODUCTION

Judicial opinion is one of the most influential types of institutional legal discourse, through which judges justify a lower court decision in a way that appears fair and objective to all the parties and the general public (Schauer, 2024). According to Strong (2015), judicial opinions offer a concise statement of the facts from a legal perspective with a clear explanation of the reasons behind the dispositions. So, they perform multiple communicative and persuasive functions. One of the essential functions of an opinion is to help litigants comprehend the procedure and reasoning behind a judge's decision, thereby fully grasping a particular outcome. Strong (2015) mentioned that "helping judges write decisions and opinions that are coherent and clear would appear fundamentally important to the proper administration of justice". Another important function is that judicial opinions allow the general public to observe their rights outlined and, to some extent, established or altered in legal judgments. Lebovits (2018) claimed that the substantial role of opinions for justices is to communicate with society.

One of the main communicative vehicles of justice is the utilisation of language, which has a crucial role in achieving the judicial opinion's objectives. There is a robust relationship between language and law. It is believed that "words in their proper order are the raw materials of the law" (Aldisert, 2009). Even though the nature of judicial opinion language is argumentative and persuasive, it is considered a complex type of discourse in that "legal discourse is realised through legal texts written in legal language, which are regarded as special-purpose texts different from other kinds of texts in respect of their text-internal and text-external properties…As different legal texts tend to have different functional, structural and linguistic features, they are classified into genres on the basis of different criteria." (Berūkštienė, 2016). The realisation of this difference can be evaluated only by discourse analysis, and to be more precise, linguistic analysis can effectively determine the procedures that are used to achieve the preferred communicative and persuasive language.

Among the linguistic features that contribute to the understanding of the persuasive and communicative nature of judicial opinions, interactional metadiscourse serves a pivotal role by allowing writers to arrange their thoughts and engage the audience throughout a text. In judicial opinions, these interactional features cannot be understood effectively without identifying their function in the structural element of the opinion's text. Especially, each structural element in judicial opinion has a distinguished function (e.g., a heading serves as an informative section, Orientation provides readers with information, etc). Therefore, exploring these features in the structural elements of judicial opinions provides a more comprehensive understanding of how judges synthesise a persuasive and communicative legal reasoning.

In spite of the increasing interest in institutional legal discourse, previous studies have investigated either the rhetorical structure (Lu and Yuan, 2021; Strong, 2015) or limited linguistic features (Othman et al., 2019; Shardimgaliev, 2019; Szczyrbak's, 2014) in isolation. Rather, examining the communicative and persuasive features of interactional metadiscourse within each structural element of judicial opinions has received limited attention. Therefore, the relation between the opinions' components and interactional features of language is still inadequately comprehended.

Consequently, this study aims to identify the structural elements of the opinion genre that expert judges follow in their writing. In addition, the study is intended to investigate the performance of a restricted number of interactional metadiscourse features, as a paradigm for viewing social interaction as communication, in the structural components of judicial opinions' writings. Such an exploration provides a comprehensive insight into the function of linguistic features in the structure of judicial opinion to achieve the purposes of legal communication. It also helps increase novice judges' awareness of how to effectively recruit the linguistic features of communication in each structural element of their argument.

On the other hand, building on previous comparative studies (Giordano & Cocco, 2023; He & Rahim, 2017; Trklja & McAuliffe, 2019), we hypothesise that there is a distinction regarding the utilisation of interactional metadiscourse markers between the UK judiciary system and the United States appellate courts. Especially since they are viewed as different models that form contrary relationships in their respective political affairs (Atkins, 1991, pp. 78-80). As for the U.S. model, it suggests a judiciary deeply rooted in political activity with formal relationships between courts and other institutions. On the other hand, the English model adopts a judiciary apart from political influence. This indicates a separation between political parties and the selection of judges. Consequently, there are fewer disagreements in higher courts and less significance of political factors in judicial rulings. Therefore, we take the opportunity to collect evidence regarding potential cultural differences, while also highlighting the similarities and contrasts across judges' utilisation of interactional features and exhibiting the typical performance of metadiscourse features in both types of texts. We anticipate that this would assist in improving the skills of less experienced judges and individuals who write opinions in a second language. In more precise terms, our analysis aims at: (i) identifying the structural elements of the American and British judicial opinions and their order of appearance in the texts analysed; (ii) analysing the kinds and frequency of interactional metadiscourse resources in the various written judicial opinion structure sections; (iii) finding if there are any variance and correlations in the utilisation of interactional features in the American and British judicial opinion texts; and (iv) finding whether or not the judges follow the norms of legal resources.

It is worth mentioning that, to answer the first question, the study adopted an eclectic model that combines elements from Strong (2015) and Lu and Yuan's (2021) generic structure of common law judicial opinion. To answer the second and third questions, the study adopted Hyland's (2005) model of metadiscourse. Finally, the study compared the results of the analysis with the norms found in Lebovits (2018) work in order to answer the fourth question of the study.

Pedagogically, this study can improve the ability of law school students to write effectively as well as persuasively, communicate proficiently, and understand the linguistic norms of legal discourse. Besides that, this study contributes to making judicial opinion, as a kind of legal discourse, more accessible and comprehensible to the general public.

LITERATURE REVIEW

Some scholars have recently focused on investigating written opinion texts from different perspectives. For example, Lu and Yuan (2021) conducted a generic and contextual analysis, by adopting the periodicity of the discourse semantic system as a tool, to explore the differences in the development of reasoning in two cases: the British judicial opinion and the Chinese judgment. The comparative study showed the influence of variation in law systems between the Chinese systems of civil law and the British systems of common law on the process of writing judicial judgments. It also highlighted the importance of readers' recognition of the order of reasoning in order to comprehend judgments logically.

Another study was conducted by Shardimgaliev (2019), who emphasised the use of implicatures in legal language, particularly judicial opinions. The researcher adopted an evidence-based method by relying on classical theories of implicature reliability to address sceptics who claim that the use of implicature is unreliable in legal language because judicial opinions are tactical. He critically analysed the examples that are provided by the sceptics and found that reliable implicatures exist in the judicial opinion, and they appeared as a form of communicative cooperation.

The importance of the use of language in judicial discourse is also emphasised in the study of Othman et al. (2019), who scrutinised Malaysian appellate judgments to find out how judges used the language to describe sexual violence. The study showed various categories of language that are used to describe the crimes. The findings revealed that judges avoid using sexual terms particularly when the case is concerned with stranger rape. Furthermore, the findings determined that the judicial system especially concerning rape cases needs further improvement.

Szczyrbak's (2014) study offers a view on how judges recruit discourse stances in the US Supreme Court opinions written by the majority and individual judges. The findings demonstrated a variety of linguistic markers that are used in stance-taking as an essential interpersonal feature to construct the justices' attitudes, as they help to make

a combination of factual content and the justices' feelings.

Despite the existing literature on judicial opinion as an institutional legal discourse, relatively few studies have investigated the role of interactional metadiscourse markers within the structural elements of judicial opinion in achieving its communicative and persuasive purposes.

METHODOLOGY

Data Collection

We compiled twenty texts of American and British judicial opinions from two primary official access websites, totalling 46,333 words, handed down in 2024. A total of ten opinion texts, consisting of 21,955 words, were randomly gathered from the First District Court of Appeal, Florida Courts. A total of ten opinion texts from the UK, consisting of 24,378 words, were randomly collected from 'Find Case Law'. The corpus size was selected through purposive sampling, which provided a sufficient corpus to observe metadiscourse markers' behaviours within the structure of the judicial opinions. Besides, it is comparable to the sample size in the previous studies (Halmari & Virtane, 2005; Othman et. al., 2019); moreover, this size is sufficient to provide a representative sample for exploring the linguistic features of metadiscourse in legal discourse. Table 1 shows the details of the data:

Analytical Framework

This study followed an eclectic model to achieve the purposes of the study. The first phase of the analysis adapted the categories of structural elements from Strong (2015) and Lu and Yuan's (2021) generic structure of common law judicial opinion to qualitatively analyse the structure of the collected data. Strong (2015) argued that a writer's ability to persuade or inform the reader is based on having a solid structure. His approach draws upon the traditional principles of Greco-Roman architecture to establish a solid structural framework for forming opinions. Strong (2015) divides his model into five distinct components. He noted that while there may be variations in the text of each component due to the differences in judges' writing styles and court conventions, the fundamental aspect remains unchanged. The five sections are: an introduction (orientation); a summary of the issue; statement of facts; analysis of the legal issues; and holding or disposition. By the same token, Lu and Yuan's (2021) generic structure of common law judicial opinions includes: a "case brief; legal

Table 1
Description of the data

	Text No.	Word No.
U.S. opinion texts	10	21,955
UK opinion texts	10	24,378
Total	20	46,333

dispute; argument; and conclusion". Instead of applying the two models independently, this study combines them into one integrated analytical framework since the two models show a high degree of similarity in the presented components of judicial opinion structure and only differ in one component, which is the statement of fact. The integrated framework was developed by retaining the common components and incorporating the additional ones. The adapted model is shown in Figure 1.

To ensure the validity of the analysis, we randomly selected two analysed texts from each data set (U.S. and UK texts) and asked two professional lawyers to review the identified sections correlating with the adapted category.

The second phase of the analysis employed Hyland's (2005) metadiscourse model to analyse the occurrence of interactional markers in each section of each text. The scope of our analysis is restricted to interactional markers since they address the questions of the study about how the features of communication are linguistic in nature and characterised in the legal discourse genre, especially appellate court judgments. Hyland (2005) emphasised that the use of interactional markers strongly enhances

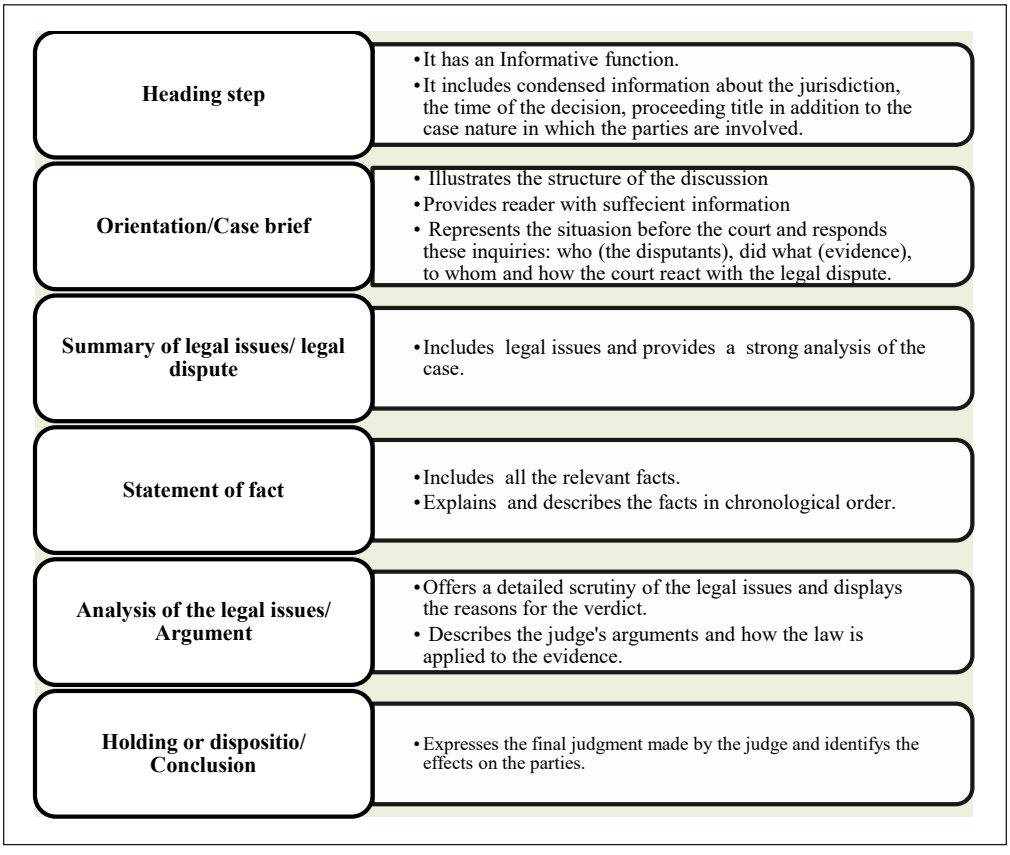

Figure 1. The elements of judicial opinion structure according to Strong (2015), and Lu and Yuan (2021)

cross-cultural pragmatic failure which results in affecting the reliability of writers and may even result in considering them to be impolite, rude or aggressive. We adopted Hyland's (2005) metadiscourse model as it encompasses the engagement features (Hyland, 2001) and builds upon previous models of metadiscourse (Hyland, 1998, 2000). Besides, it has gained widespread applicability in addition to being embraced in numerous studies across various areas and disciplines including legal discourse studies (Giordano & Cocco, 2023; Lee, 2015; Trklja & McAuliffe, 2019), academic discourse (Du & Wang, 2026; Jiang & Ma, 2018; Song et al., 2024), literature (AlJazrawi & AlJazrawi, 2019, 2021; Sadeghi & Esmaili, 2012), religious discourse (Farahani & Dastjerdi, 2019; Mahmood & Kasim, 2019, 2021), political discourse (Ali et. al., 2020; Farahani & Kazemian, 2021), social media (Al-Subhi, 2022; Xia, 2020), as well as numerous other contexts. Although Hyland's (2005) model of metadiscourse has been broadly explored across different genres, little attention has been given to its function in judicial opinion, particularly in relation to its communicative and persuasive role in legal reasoning.

According to Hyland (2005), interactional markers engage readers and give them opportunities to enhance the discourse by making them aware of the author's point of view. Hyland divided them into five subcategories each of which is generally used to control the writer's personality in his/her text. Table 2 summarises the exact function of every interactional marker:

Analytical Procedure

The analysis was made in five stages. First, the structural elements of each text were identified and segmented based on Strong (2015) and Lu and Yuan (2021). Second, the interactional metadiscourse markers were identified and coded manually by the researchers in each text's segment based on the definitions and criteria specified in the adopted model (See Hyland, 2005, pp. 37-48 for a detailed explanation). The coding includes all the interactional metadiscourse markers listed in Hyland's (2005) appendix. To ensure consistency, the data were reviewed several times, and the coding decisions were cross-checked against the model's operational definitions

Table 2
Interactional markers of metadiscourse according to Hyland's (2005) model

Markers	Function	Example
Hedges	"withhold commitment and open dialogue"	"might; perhaps; possible; about"
Boosters	"emphasise certainty or close dialogue"	"in fact; definitely; it is clear that"
Attitude markers	"express writer's attitude to proposition"	"unfortunately; I agree; surprisingly"
Engagement markers	"explicitly build a relationship with reader"	"consider; note; you can see that"
Self-mentions	"explicit reference to author(s)"	"I; we; my; me; our"

throughout the analytical process. Third, the frequencies and distribution of the coded interactional markers were analysed in their contexts and show how the markers behave to support the persuasive and communicative purposes of the judicial opinion discourse. Then, a comparison of the frequencies was made to find the difference between the American and British judicial opinion texts. To ensure the validity of the results, the Chi-square test was used to compare the observed frequencies in the American and British data and to determine whether or not the differences are statistically significant. Finally, the results of the analysis were compared with the norms found in Lebovits (2018) work.

RESULTS

The Structure of Judicial Opinion

To carry out the first part of the analysis which is concerned with the structure of the judicial opinion texts under analysis, the researchers applied the structural framework they adopted. This structural framework is a combination of two models one by Strong (2015) and the other by Lu and Yuan (2021). The resulting model consists of six elements, namely, Heading Step, Orientation/ Case Brief, Summary of the Legal Issues, Statement of Facts, Analysis of the Legal Issues and Holding or Disposition (cf. Figure 1). This division of judicial opinion into elements is based on the function of each of these elements. This distinction is important for understanding the whole text and how each of these elements contributes to the entire text. It is also important for the second part of the analysis which is concerned with the use of metadiscourse markers in judicial opinions. It shows in which element these markers are used more frequently and of which type. Thus, the adopted model was applied to all of the 20 texts under analysis to investigate the first aim of the present research, namely, identifying the structural elements of the American and British judicial opinions and their order of appearance in the texts analysed.

As far as American judicial opinions are concerned, the analysis revealed that 5 of the texts under analysis (Texts 1,2,8,4,5) displayed all 6 elements of the structure adopted in this study. In the first 3 texts (1,2,8), the elements appeared in the same order of presentation shown in Figure 1. However, in the other two texts (4,5) summary and statement are reversed. In texts (3 and 10), two of the elements, namely, summary and statement are missing. However, the remaining elements follow the same order shown in Figure 1. In text (9), only the summary is missing. The other elements appear in the same order. In text (7), statement is missing with the rest of the elements following the same order of presentation. Finally, in text (6) summary is missing with the analysis and statement being reversed. To summarise, 5 of the American texts under analysis displayed all of the 6 elements; in the other 5 texts, one or two were missing. As for the order of presentation, 7 of the texts under analysis followed the same order of presentation shown in Figure 1, regardless of the absence

of some of the elements. The other 3 showed a variation in the order of presentation (Table 3).

As for the British texts, 4 of the texts (2,10,7,9) displayed all the elements. In the first two (2,10) texts, statement and summary are reversed, and in the second two texts (7,9), summary and orientation are reversed. In texts (4,6,8), summary is missing. In texts (1,3), two elements are missing: orientation and summary. Finally, in text (5), two elements are missing: summary and analysis. Thus, none of the British texts under analysis contains all the elements of structure in the same order of presentation shown in Figure 1. In most of the British texts, statement occurs before summary. However, texts (4,6,8, and 5) follow the order of presentation regardless of the missing elements (Table 4).

Types and Frequency of Interactional Metadiscourse Markers

To fulfil the second aim of the present research, the researchers applied the model of metadiscourse markers by Hyland (2005) to identify the types and frequency of the interactional markers in the American and British data in general and in the different sections of the structure of the written judicial opinions. As shown in Table 5, a total of 1,209 cases of interactional metadiscourse have been found in the data under analysis. This means that, for every 100 words in an opinion text, 2.6 present markers were used with an

Table 3
The order of the elements of judicial opinion structure and the word number of each in the American texts

Text 1	Heading 36	Orientation 141	Summary 144	Statement of Facts 348	Analysis 2434	Holding 55
Text 2	Heading 35	Orientation 97	Summary 216	Statement of Facts 282	Analysis 675	Holding 49
Text 3	Heading 35	Orientation 72	X	X	Analysis 325	Holding 76
Text 4	Heading 38	Orientation 55	Statement of Facts 1250	Summary 608	Analysis 567	Holding 49
Text 5	Heading 35	Orientation 68	Statement of Facts 558	Summary 751	Analysis 1392 + 1967	Holding 27 + 29
Text 6	Heading 35	Orientation 42	Analysis 158	Holding 33	Statement of Facts 655	Holding 83
Text 7	Heading 34	Orientation 34	Summary 146	Analysis 461	Holding 1	Analysis 1402
Text 8	Heading 60	Orientation 29	Statement of Facts 1219	Summary 1506	Analysis 612	Holding 36
Text 9	Heading 38	Orientation 64	X	Statement 290	Analysis 957	Holding 22
Text 10	Heading 34	Orientation 76	X	X	Analysis 682	Holding 9

Table 4
The order of the elements of judicial opinion structure and the word number of each in the British texts

Text 1	Heading 223	Statement 246	X	X	Analysis 392	Holding 71		
Text 2	Heading 221	Orientation 271	Statement 543	Summary 447	Statement 610	Summary 1648	Analysis 2510	Holding 21
Text 3	Heading 120	Statement 2153	X	X	Analysis 1664	Holding 41		
Text 4	Heading 81	Orientation 114	X	Statement 153	Analysis 315	Holding 64		
Text 5	Heading 227	Orientation 20	X	Statement 894	X	Holding 47		
Text 6	Heading 89	Orientation 57	X	Statement 1063	Analysis 510	Holding 42		
Text 7	Heading 94	Summary 78	Orientation 44	Statement 247	Analysis 242	Statement 74	Analysis 1044	Holding 40
Text 8	Heading 118	Orientation 164	X	Statement 1088	Analysis 427	Holding 120		
Text 9	Heading 91	Summary 138	Orientation 312	Statement 2380	Analysis 69	Holding 89		
Text 10	Heading 96	Orientation 24	Statement 573	Summary 178	Analysis 432	Holding 35		

Table 5
Frequency of interactional metadiscourse markers in the American and British texts

Type of Texts	No. of Words	No. of Markers	Percentage
American	21,945	603	2.747%
British	24,368	606	2.486%
Total	46,313	1,209	2.610%

interactional metadiscursive function, and this indicates the near-to-the-ground use of communicative features of the language.

As for the markers used in the different sections of the American texts, it was found that Analysis of Legal Issues occupies the first position in terms of occurrence followed by Summary of Legal issues, Statement of Facts, Holding or Disposition, Orientation/ Case Brief and Heading Step respectively, as shown in Table 6 and Figure 2.

On the other hand, regarding the markers used in the different sections of the British texts, it was found that Analysis of Legal Issues occupies the first position in terms of occurrence followed by Statement of Facts, Summary of Legal Issues, Holding or Disposition, Orientation/ Case Brief and Heading Step, respectively, as shown in Table 6 and Figure 3.

Figure 2 illustrates the use of interactional markers in terms of distribution

Table 6
Number and percentage of interactional metadiscourse markers in the structure of American and British texts

American			British		
Text No.	**Total**	**%**	**Total**	**%**	**Chi-square**
Heading	4	0.7%	7	1.1%	The p-value is 0.3723. Not significant at p<0.1.
Orientation	15	2.5%	15	2.5%	The p-value is 0.9887. Not significant at p<0.1.
Statement	102	17%	171	28.2%	The p-value is 1.8456E-4. Significant at p<0.1.
Summary	104	17.2%	74	12.2%	The p-value is 0.0331. Significant at p<0.1.
Analysis	362	60.0%	318	52.5%	The p-value is 0.1609. Not significant at p<0.1.
Holding	16	2.6%	21	3.5%	The p-value is 0.4267. Not significant at p<0.1.
Total	603	100%	606	100%	The p-value is 0.0867. Not significant at p<0.01.

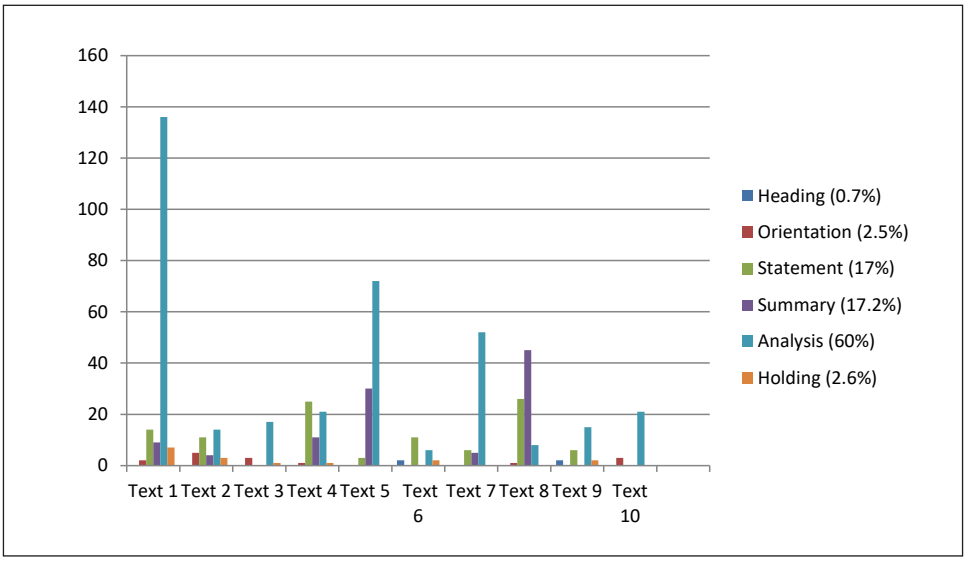

Figure 2. Interactional metadiscourse markers in the structure of each text of American judicial opinion

and frequency in each section in the structure of each text in the American data.

Figure 3 presents the frequency and the occurrence of interactional markers in each structural element of each text in the British data.

To carry out the third aim of the present research, the American and British texts are compared to find out if there are any variances and correlations regarding the markers used in the American and British judicial opinion texts. The comparison revealed that there is a high correlation between them concerning the distribution of the interactional markers among the structural elements forming judicial opinions. The only difference occurs between the two elements, Summary of Legal Issues and Statement of Facts. The

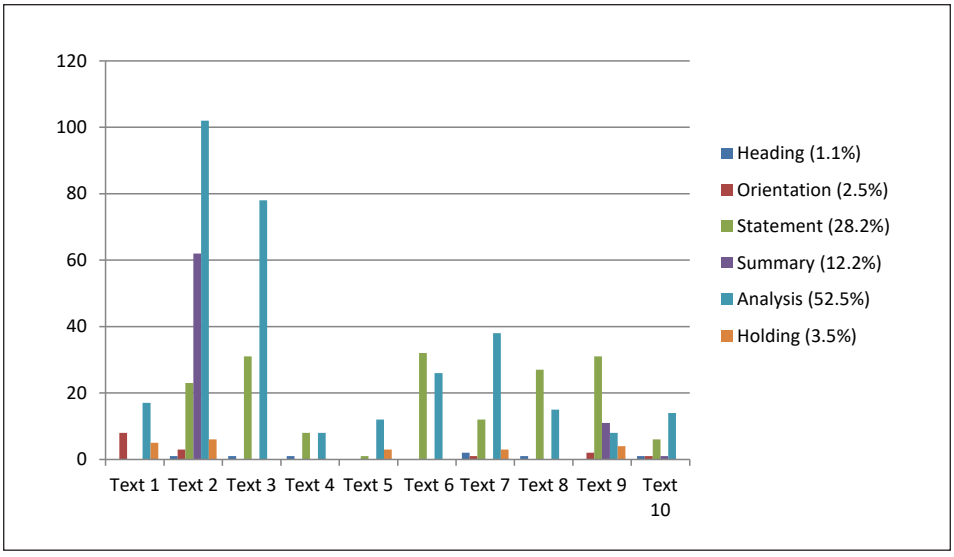

Figure 3. Interactional metadiscourse markers in the structure of each text of British judicial opinion

Summary of Legal Issues occurs before Statement of Facts in the American texts, whereas in the British texts Statement of Facts occurs before Summary of Legal Issues. The Chi-square results indicated that there are no statistically significant differences between the American and British texts regarding the percentages of Metadicourse markers used across four of the elements of the structures of the American and British judicial opinions, namely, Heading, Orientation, Analysis and Holding. However, the results show that the differences are significant in the two structural elements, Statement and Summary.

As far as the type and distribution of interactional markers used and their distribution among the different structural elements of the judicial opinions are concerned, and starting with American texts, the analysis revealed that Boosters occupy the first position in terms of occurrence with 265 instances forming 43.9% of the overall number of markers used in the American texts. Hedges markers follow Boosters in terms of occurrence with 169 instances forming 28.0% of the used markers. The third position is occupied by Attitude Markers with 120 instances forming 20.0% of the total number of markers used. Self-mention markers occupy the fourth position with 41 instances forming 6.8%, followed by Engagement Markers, which occupy the last position with 8 instances forming 1.3% of the used markers, as shown in Table 7.

The following are examples from the data:

> Example 1: she could continue to maintain or defend the action. (Hedges)

> Example 2: Indeed, Verizon's legislative intent argument conflicts outright with

the claim bar set forth in § 215.26. (Boosters).

Example 3: All but the Moore decision involved an admitted pretrial statement by a child that later was recanted, and all of them (including Moore) hold that those subsequently recanted statements cannot, alone, serve as sufficient evidence to support a criminal conviction. None of them hold what the appellant attempts to argue. (Attitude Markers).

Example 4: ---- I concur in affirming the appellant's convictions, along with the corresponding sentences. (Self-mention).

Example 5: ---- our focus is on what amount of evidence can be legally acceptable to a juror. (Engagement Markers).

Moving to the British texts, it is evident that the first two positions, as in the American texts, are occupied by Boosters with 245 instances forming 40.4% followed by Hedges with 154 instances forming 25.4% of the overall number of interactional markers. However, the third position is occupied by Self-mention markers with 129 instances forming 21.3% and the fourth by Attitude Markers with 45 instances forming 7.4% of the total number of markers used. Engagement Markers, which occupied the third position in the American texts, occupy the fifth and last position in the British texts with 33 instances forming 5.5% of the total number of markers used (Table 7).

The following are examples from the data:

Example 1: At some point a decision was made by the applicant to kidnap one of the young men who worked in Jabar's shop. (Hedges).

Example 2: ---- and the aggravating and mitigating features identified by the judge were exactly the same. (Boosters).

Example 3: In addition, the author of the pre-sentence report identified the applicant as posing a significant risk of causing serious harm. (Attitude Markers).

Example 4: Furthermore, we consider that the single judge was also right to conclude that there was nothing in any of the grounds of appeal in any event. (Self-mention).

Example 5: There was no pre-sentence report, and it is not necessary for us to have one. (Engagement Markers).

To investigate the fourth aim of the present study, related to finding whether or not the norms of legal resources are followed by judges when they write judicial opinions, a brief reference to these norms should be highlighted as far as metadiscourse markers are involved. Lebovits (2018) sheds light on the Dos and Don'ts in legal writing, asserting that legal writers are often advised to be direct and to avoid using constructions that, according to him, "occupy space

Table 7
Types of interactional metadiscourse markers in American and British texts

Type of Marker	Hedges		Boosters		Attitude Markers		Self-Mention		Engagement Markers	
	No.	%	No.	%	No.	%	No.	%	No.	%
American Texts	169	28.0	265	43.9	120	20.0	41	6.8	8	1.3
British Texts	154	25.4	245	40.4	45	7.4	129	21.3	33	5.5

but add nothing". He also advises legal writers to "hate metadiscourse", providing examples, such as "it appears to be the case that", "it is clear that" and instead of using "please be advised that your hair is on fire", it is better to use "your hair is on fire". When they write, judges are advised to be honest and true when they handle facts. Rather than showing that they thoroughly examined the law, they have to thoroughly discuss the law (Lebovits, 2018).

Thus, it is clear that judges and legal writers are advised to avoid using metadiscourse markers. Analysis of results indicated that the low percentage of metadiscourse markers used in the American and British judicial opinions, namely, 2.747% and 2.486%, respectively, may be attributed to genre conventions and expectations of judicial objectivity.

DISCUSSION OF THE RESULTS

The Structural Framework of Judicial Opinion

Data analysis yielded that 5 of the American texts and 4 of the British ones displayed all of the 6 structural elements of the judicial opinion adopted in this study. As for the order of elements of the structure of the American and British texts, most of the American texts under analysis and four of the British texts follow the same order of presentation that appeared in Figure 1, irrespective of the missing elements. In both the American and British texts, Summary and Statements are the most missing elements in the structure of the judicial opinion. Leubsdorf (2001) explained this change in the order of the elements, stating, "judges often change the usual order on grounds of convenience or style". Thus, these findings fulfil the first aim of the current research by identifying the structure of the judicial opinion, its elements of structure and their order of appearance.

These findings will contribute significantly to the understanding of the structure of judicial opinions by law students, legal writers, and whoever is involved in writing such texts. By realising the elements of structure and their order of appearance, it would be easier for inexperienced writers of judicial opinions to produce more accurate texts.

Metadiscourse Markers in Judicial Opinions

The analysis exposed that the number of interactional markers used in the American texts is 603, forming 2.747% of the overall number of words used in the American data. As for the British texts, the number

of markers is 606, forming 2.486% of the overall number of words in the British data. It is worth mentioning that the percentage of markers used in the American and British texts is almost identical. This means that there is very little difference between the American and the British texts regarding the number of markers used, as shown in Table 5.

As for the types of structural elements used in the American texts, the element Analysis of the Legal Issues occupies the highest position in that these markers were used 362 times, forming 60% of the overall number of metadiscourse markers used. Next comes the structural element, Summary of Legal Issues, in which interactional metadiscourse markers were used 104 times, forming 17.2% of the number of markers used. The structural element, Statement of Facts, occupies the third position with 102 instances of interactional metadiscourse markers and a percentage of 17%. Holding or Disposition comes next with 16 instances forming 2.6% of the number of markers used. Orientation/Case Brief occupies the fifth position concerning the number and percentage of interactional metadiscourse markers, with 15 instances forming 2.5% of the overall number of used markers. The last position is occupied by the structural element, Heading Step, in which metadiscourse markers were used only 4 times, forming 0.7% of the total number of the used markers (cf. Table 6).

Moving to the British texts, the researchers found out that the structural element, Analysis of the Legal issues, comes first regarding the number and percentage of interactional markers used, with 318 instances forming 52.5% of the overall number of markers used in the British texts. The structural element, Statement of Facts, comes next with 171 instances forming 28.2% of the total number of markers. The third position is occupied by the structural element, Summary of Legal issues, with 74 instances forming 12.2% of the used markers. The structural element, Holding or Disposition, occupies the fourth position with 21 instances, forming 3.5% of the total number of markers used. The last two positions are occupied by Orientation and Heading, respectively. Interactional metadiscourse markers occurred 15 times in Orientation, forming 2.5% and 7 times in Heading, forming 1.1% of the total number of markers used (cf. Table 6).

The high correlation between the American and British judicial opinions concerning the distribution of the interactional markers among the structural elements forming judicial opinions is interesting since even in the order of occurrence of these elements of structure, Summary of Legal Issues in the American texts precedes Statement of Facts, whereas in the British texts, Statement of Facts precedes Summary of Legal Issues. It is significant to note that the highest number and percentage of interactional metadiscourse markers are used in the structural element, Analysis of Legal Issues, in which the judge or legal writer provides the reasons behind the decision. This is important because this is the part in which the judge or the legal

writer should persuade the audience of the decision he/she has made. This indicates that interactional metadiscourse markers are used to achieve persuasion in judicial opinions.

There is a high correlation between the American and British texts regarding the types of the used markers as in both the highest number and percentage of occurrence of the markers are identical as far as Boosters, Hedges, and Engagement Markers are concerned. It is worth mentioning that by using Boosters and Hedges, judges and legal writers manage to express their commitment to their texts and show respect to their readers. In this case, persuasion is achieved by means of the credibility appeal (ethos). And in order to engage their readers in the text, judges and legal writers make use of Engagement Markers. The only difference is with the Attitude Markers and Self-mention. Attitude Markers occupy the third position in the American texts, but the fourth position in the British texts, and the same applies to Self-mention markers, which occupy the fourth position in the American texts, but the third position in the British ones. Whenever judges and legal writers want to convey surprise, obligation, importance or agreement, they use Attitude Markers. In such cases, they are not interested in whether this information is reliable, true or related. Thus, Attitude Markers allow judges and legal writers to persuade their readers by the emotional appeal (pathos) by means of influencing their emotions. Self-mention markers enable judges and legal writers to be present in the text and to show their stance regarding their arguments, readers and community (Hyland 2005). Thus, persuasion is achieved by the writer's credibility by means of arousing an ethos.

The analysis of the types of markers and their distribution among the structural elements of the judicial opinions will be of great importance to law students and those involved in writing judicial opinions. It helps them to produce more persuasive texts. Understanding the structure of judicial opinions and realising that metadiscourse markers are one of the means to achieve persuasion will inspire writers to use metadiscourse markers in the part of the judicial opinion that requires them to persuade their audience.

Although judges and legal writers were advised in the literature related to writing judicial opinions to lessen the use of metadiscourse markers, specifically Boosters and Hedges, it is worth mentioning that these two markers are the two most used types of interactional metadiscourse markers in the American and British texts under analysis.

CONCLUSION

The present research investigated the structure of the American and British judicial opinions as a type of legal discourse and the utilisation of metadiscourse markers and their distribution among the structural elements of the judicial texts. The analysis revealed that the American and British judicial opinions are structured in a framework that consists of several structural elements some of which are

obligatory whereas others are optional. The structure of the judicial opinion displays a structure of a maximum of 6 elements and a minimum of 4 elements. The American and British judicial opinions follow a fixed pattern in that the order of presentation of the elements of structure in the American and British is almost identical with a little variation between two of the elements.

The very little difference in the number and percentage of metadiscourse markers between the American and British judicial opinions indicates that legal judicial opinions are not affected by the American or the British legal system. Interactional metadiscourse markers form a means for achieving cohesion and coherence and are used in judicial opinions to achieve persuasiveness, even though legal writers are advised to avoid using them.

The high correlation between the American and British judicial opinions regarding the different types of interactional markers used indicates that the judicial opinion is not affected much by whether it is being written by an American or a British author.

The low percentage of interactional metadiscourse markers indicates that judges and legal writers are avoiding as much as possible the use of these markers due to genre conventions, and judicial objectivity

The present study is of crucial importance to all those involved in writing judicial opinions, since it provides them with an understanding of the structural framework of judicial opinion and the elements of structure and their order of appearance in the judicial opinion texts. It also helps them to provide more persuasive judicial opinions by identifying the distribution of interactional markers among the structural elements of the judicial opinions. The study also contributes to the genre of legal discourse by highlighting the features of language that must be used and where to be used to produce legal texts that are more convincing and more coherent to influence the audience. Consequently, these findings will strongly influence the field of judicial opinions by proposing guidelines to formulate texts that are highly persuasive to achieve the ends for which these texts were produced.

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