

"I Must Dissent." Why?

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Excerpt:

"Since our first year in law school, we have been told that dissenting opinions have no persuasive effect. However, as can be seen, there is very good reason to question that notion. Dissents can expose disagreements in the law and may even propose better law. A dissent may change not only the minds of fellow judges on the panel, but also the minds of future judges. When the use of a dissent is limited to when it is most meaningful, what is today's dissent could be tomorrow's majority. And that is why a judge sometime has to say, "I must dissent.""

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