

JUDGECRAFT - THE ART OF JUDGING

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PRESENTATION OUTLINE

- What is the starting point:
- Hon Justice Nnaemeka-Agu
- Anthony Kronman
- Judge Victor Hall
- Hon Justice Kaumi Mohammed Kolo.
 - *What is “Judgecraft”?*
 - *“Judgecraft” and The art of Judging: The necessary connection.*

PRESENTATION OUTLINE

- *Elements of “JudgeCraft” and Judging*
- *“Judgecraft” in Court Proceedings*
- *The Recent event and how we feel today.*
- *Conclusion*

HON JUSTICE NNAEMEKA-AGU

- “To every judge of every grade, his/her judgment in practical terms, is his window into the world. It is the only criterion for his competence, honesty, and seriousness of purpose. In our conception, a good judge writes good judgments. Conversely, a bad judge writes bad judgments....” *Hon. Justice Nnaemeka- Agu J.S.C, 1993 Induction Course for Judges, p. 81.*

ANTHONY T KRONMAN

- **“No matter how many choices the rules leave open, a Judge whose task is to apply the law will be guided in his deliberations by what might be called the ethos of his office, by a certain ideal of judicial craftsmanship, and by the habits that , a devotion to this ideal , and long experience in attempting to achieve it, tend to instill”**
- **Anthony T. Kronman**

JUDGE VICTOR HALL

“Of all the qualities that unite us the world over, the elusive personal element that we call “judgecraft” is the quintessential attribute which serves, or should serve, as a badge of office and which marks us out as members of the judiciary. As such it should be more than just a way of behaving when we are in court. Rather, it should be something that pervades our actions and be as second nature to our conduct in and about our actions both in court and out of it ... It is that ability to deal with all types of cases and all types of litigants with fairness, humanity and courtesy in such a way that they leave court feeling that they have received justice.”

Judge Victor Hall, Director of Studies Judicial Studies Board of England and Wales, 8th Plenary Meeting of The European Network for the exchange of information between the persons and entities responsible for the training of judges and public prosecutors, Strasbourg, 2006.

WHAT IS JUDGE CRAFT ?

- Judgecraft is a concept of adjudication and how it is skilfully bounded and managed by Judges in practice
- This includes the skills required of a judge in a formal way including what judges should expect of themselves and what the public expects of judges.
- These abilities and associated qualities can be broadly grouped in to six headlines
 - *Knowledge and technical skill (conscientiousness, commitment to high standards)*
 - *Communication and authority (firmness without arrogance, courtesy, patience, tolerance, fairness, sensitivity, compassion, self-discipline)*
 - *Decision making (decisiveness, confidence, moral courage, independence, impartiality)*
 - *Professionalism and integrity (sense of ethics, patience, tolerance, consideration for others, personal responsibility)*
 - *Efficiency (commitment to public service, commitment to efficient administration, self-discipline)*
 - *Leadership and management (responsibility, imagination, integrity, fairness, commitment to efficient administration).*

WHAT IS JUDGE CRAFT ?

- These abilities and qualities are universal.
- Only the first, knowledge and technical skill, relates to knowledge of the law together with the remaining five other abilities they are known as 'judgecraft' .

JUDGECRAFT AND JUSTICE: THE NECESSARY CONNECTION

- **How do we dispense justice to all parties to ensure equal treatment of all people regardless of their class, income, origin, colour or creed with respect to proceedings before us ?.**
- **What are the expectations of the society from judicial officers when proceedings are conducted before us?**

JUDGECRAFT AND JUSTICE (CONTD.)

- **The symbol of Justice found in all courts is the statute of Lady Justice in blindfold.**
- **Her scales of justice signifying that all relevant facts and law will be considered and weighted**
- **Her sword symbolizing the power and authority of the law;**
- **Its ability to protect those who cannot protect themselves; and its ideals of delivering swift and sure justice; and**
- **The blindfold signifying that all who come before her will be treated in like manner, without regard to race, creed, color or economic class.**

ELEMENTS OF JUDGECRAFT AND JUDGING

- **A Judge must have good mastery of both substantive and procedural law. (Dr. Mari Abba).**
- **A Judge must maintain orderly Court proceedings.**
- **A Judge must write Judgments that are sound and fair**
- **A Judge must analyze legal issues diligently**
- **A Judge must give principled decision free from prejudice.**
- **A Judge must give decisions reflective of well established values, and principles.**

■ ELEMENTS OF JUDGECRAFT. CONTD

- A Judge must possess high standard of discipline, integrity, courage, prudence and maturity.
- Hear courteously, answer wisely, consider soberly and decide impartially.
- A Judge must avoid unfair and hurtful remarks.
- Avoid descending to the arena.

ELEMENTS OF JUDGE CRAFT. CONTD

- **A Judge must have ability to follow testimony of a witness.**
- **A Judge must have ability to study demeanor of a witness.**
- **A judge must have capacity to listen.**
- **A judge must have capacity to follow precedents for guidance.**

JUDGECRAFT AND THE ART OF JUDGING

- **General conduct**
- **Keep your Calm and be patient (Denning MR)**
- **Avoid stereotype, “Yes he looks like”**
- **Show your dispassion.**
- **Grant audience**
- **Allow hearing.**
- **Do not interrupt examination in chief or cross examination**

JUDGECRAFT AND THE ART OF JUDGING

Acting Judicially.

- Independent.
- Impartial.
- Sensitive.
- Asking questions.
- Thoughtless comments.
- Throw away remarks and unwise jokes.
- Developing listening skills, avoid negative facial expression
- Do not talk too much

JUDGECRAFT AND THE ART OF JUDGING

- Acting fairly.
- Adjournments.
- Service of trial documents.
- Objection to charge.
- Court not sitting.
- Applications.
- Perceived prejudice.

HON JUSTICE KAUMI MOHAMMED KOLO

- It is a privilege to be appointed a judge but it should be noted that, though honorific, it is an onerous job. The demand to be impartial umpire devoid of all biases and vices, the demand to be incorruptible judge; the demand to do justice to all manner of people-the poor and the rich, the ruler and the ruled; the demand to see that justice is manifestly done; the demand to uphold the constitution even under trying conditions and the demand to give a reasoned judgment in the light of the facts adduced in evidence and in the light of relevant law is by no means an easy task.
- (see: *Hon. Justice K.M. Kolo, (Former Chief Judge of Borno state), Enforcement of Judgments and Orders against Government, All Nigerian Judges Conference Papers, 1993, Analraco Ltd, Lagos, 1994 pp. 199-212, at 199.*)



THE RECENT EVENT

HOW WE ALL FEEL TODAY

- Are we confident
- Are we as resolute
- Do we still call a spade a spade
- Today is good, at least better than yesterday.
- You are the Judge.
- You know better.

CONCLUSION

In summary, Judgecraft and the art of Judging require that , justice must not only be done, but it must be seen to be done.

THANK YOU !!!!!!!!