

**PRACTICAL HINTS
ON
JUDGMENT WRITING
IN THE
MAGISTRATE COURTS.**

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By

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INTRODUCTION

I am greatly honoured and owe a huge debt of gratitude to the National Judicial institute and I acknowledge and thank the Administrator Hon. Justice R.P.I. Bozimo OFR for imbibing the principle of “Iron sharpens Iron” by inviting a Magistrate to speak to newly appointed Magistrates on this very important topic. I am indeed grateful for this unique opportunity to share some of my experiences on the lower bench as “Hints” on Judgment Writing in the Magistrate Courts with our colleagues from across the nation and I am most humbled by this privilege to be called upon to be part of this intellectual convocation.

The aim of this paper is to examine briefly some practical aspects of writing Judgments in the Magistrate courts, particularly some practical and challenging situations and how to tackle them. It will also discuss how writing good Judgments begin from attitude to work and hearing the cases and how the synergy between these two will ensure that the quality of the judgment delivered will improve the justice delivery system in our country.

WHAT IS A JUDGMENT?

Judgment refers to the official pronouncement of the court which forms part of the court’s records and is available for consideration and analysis for years to come. A Judgment or Order of a Magistrate is to literally interpret the law and do substantial justice in the instant case without fear or favour to all. A magistrate can be referred to as a judge of a court of summary jurisdiction also known as a judge of the lower court.

The driving force of any civilized society is their judicial system, hence, turning out well reasoned judgments in the Magistracy connotes Judicial productivity and is a blue print for ensuring grassroot reforms by creating and sustaining public confidence in the way Justice is administered in the Magistrate courts. Therefore it is imperative to ascertain early that producing well reasoned judgments is not only a statutory requirement, it is a great responsibility indeed.

Distinguished participants, I am not oblivious of the fact that not all cases before you will be concluded as a well considered judgment; hopefully some will go for ADR, particularly mediation, others will simply file terms of settlement themselves unsolicited while others will proceed to trial and ultimately judgment. Therefore, since every pronouncement of a Magistrate in court is either a Ruling, Order or Judgment of some sort, Magistrates are constantly writing judgments albeit not contested or lengthy yet fully imbued with the force of law since they are to either be complied with or appealed against.

THREAT TO THE JUDICIARY.

Your Worships and Your Honors have been appointed at such a time that the Judiciary is under threat and it is expected that greater works would be done by you to salvage the already battered image of the Judiciary.

It was reported in the National Newspapers that during the thanksgiving service held at Methodist Church Nigeria Abuja Diocese Zone 3 a couple of weeks ago, the Chief Justice of Nigeria Hon. Justice Walter S.N. Onnoghen (GCON) stated and I quote;

“The Judiciary is under threat, judges and judicial officers including myself are being castigated without being given opportunity to be heard but God knows our heart”. “His Lordship, the Honourable CJN stated further, “I did not set out to be a judge but today I am a judge by divine intervention. It is the Lords doing, mine is to follow, my prayer is that God should help me and should not let me down”¹

Many of us here today are Magistrates by divine intervention and in the words of my Lord the Honourable CJN we can only pray that God should give us wisdom to discharge our duties without fear or favour and we also pray that God should help us and not let us down.

When describing British Judges Sir, Winston Churchill said:

*“There is nothing like them in our land. They have to interpret the law according to their learning and conscience. They are distinguishable from the great offices of the state and the other servants of the executives, high and low; from leaders of commerce and industry. **The British Judiciary with its traditions and records is one of the greatest living assets of our race and people** and its independence part of our message to the ever growing world that is rising swiftly around us.”*

In view of the above statement I challenge every magistrate here to ensure that in time to come, our pronouncements from the courts generally will display to the public that we the Nigerian Magistracy / Judiciary are indeed one of the greatest living assets of our race and people. We too have to live up to expectation so that our Heads of Courts and our own President will one day acknowledge us.

On the issue of the threat to the judiciary, we need to understand and realize that if they did this to our leaders we should expect the same thing from them, therefore, we should not be intimidated by the way they have painted the judiciary, but allow our work to speak for us and roll out Rulings and Judgments that show justice is being dispensed speedily and keep at it until they give the Judiciary the respect it deserves as the 3rd organ of government.

I am convinced that this new crop of newly appointed Magistrates are self motivated and ready to sanitize the polity. Lets join forces with our leaders in our various states and function in line with the dictates of our various Rules of Court and Heads of Court on Ethics, the timing and contents of our judgments etc, until we see the judiciary we desire.

FREQUENTLY ASKED QUESTIONS

1. What is a Good, Well Written / Reasoned Judgment?
2. What are the Steps to Writing Good Judgments?
3. How do I Facilitate My Judgment Writing Process?
4. What is my Role and Responsibility in Writing Reasoned Judgments?

Before you start wrestling with the complexities or otherwise of writing a good judgment, you need to appreciate the correlation between our attitude generally to our work as Magistrates and writing good reasoned judgments.

ATTITUDE TO WORK

The first step in writing judgments in the Magistrate Court is our attitude to our work. Arriving at court on time, Sitting on time and Regularly, so as to be able to Achieve the Work Target set. A Magistrate has to study each file before sitting, so as to be able to understand the issues and be able to think on your feet and make the appropriate Bench ruling promptly if need be being a court of summary jurisdiction.

In writing good judgments, we need both personal and professional empowerment. Professional empowerment is adequately catered for by the NJI while the personal empowerment has to do with our attitude to our work. Our attitude to our work must be consistent with the level of responsibility inherent in our position as Magistrates. Whether we like it or not, our attitude to our work will be perceived in the quality of the judgments we deliver.

Some of the principles that will help you in your attitude to your work are:

- Set your goals daily, weekly and monthly and make room for flexibility through objective evaluation of your productivity.
- Self leadership is the practice of intentionally influencing my thinking feeling and behaviour to achieve my objectives. There is always a better way to do something, find out.
- Be proficient on your job. Grasp every single knowledge that will make you better
- Create templates for your judgments, different types of templates for different types of rulings and judgments.

- Take a week to put a system in place to make your job better.
- Develop your subordinates – provide feed back, let them know we are going to be more efficient.
- Respect and honour the worth of others – your calmness and superiority of manner will speak volumes.
- Speak quietly so people will strain to hear you.
- Stop blaming others instead help to develop them
- What I owe myself is to give it my best shot I believe you owe yourself the same thing.
- Always be punctual and make the best use of your time in the court.

When in front of a mirror know that the person in front of you is either your enemy or greatest friend. Be your own Personal driver and push yourself more. Have a virtual Coach in your mind. How you live your life will determine how long you live; Plan your life, entertainment, and your work.

CASE MANAGEMENT

A Magistrate needs to decide which cases are suitable for ADR etc so as to differentiate them from the ones that are keenly contested and likely to go to trial and be decided by a Judgment on the merits.

I call it case management to search out the needle from the hay sack. Once that is done the Magistrate who would otherwise have had to write 30 Judgments in one month may only need to write eight or ten if these measures are put in place. Now if a magistrate has fewer judgments to write

he or she will be able to focus on each file and do justice as appropriate in the circumstance of each case.

“The phenomenal rise in the number of court cases on account of population explosion, greater public awareness of rights, dynamics of a new market economy, increase in and growth of commercial litigations have among others brought and continue to bring pressure on the traditional and adjudicative means of resolving disputes”²

Based on the above premise, it is imperative for everyone of us charged with the responsibility of adjudicating to take cognizance of the task before us by equipping ourselves with sound Judicial education through research, attending conferences and workshops for personal and professional development so that our Judicial system can maintain its relevance as the arbiter of our national progress.

According to Hon. Justice Alfred P.E. Awala, (a former Magistrate) in his book titled “The Nigerian Magistrate in Action” forwarded by Hon. Justice R.P.I. Bozimo (Mrs), OFR, The Administrator of the NJI in the preface, His Lordship stated that,

“I thought it expedient, fit and proper to leave a legacy behind by sharing my experiences in learning, wisdom and understanding as a former Magistrate- the purpose of this book. In my first few years as a Magistrate and more as a High Court Judge, I had the rare privilege of attending many workshops, seminars and lectures organised by the (NJI) and there lies the counsel behind this book”³

Based on the foregoing testimony of His lordship Awala J, it is obvious that this new crop of Magistrates, your worships and your honors have started on the right footing by having access to the Judicial Education available at the National Judicial Institute for your crucial and essential professional and personal Judicial training which will prop you up and empower you to hear and determine matters judicially and judiciously thus resulting in dispensing justice speedily by the delivery of your prompt and timely judgments. Once again, the importance of the work done by NJI cannot be over emphasized.

THE FUNDAMENTALS OF WRITING GOOD JUDGMENTS 4

1. Set out the claims
2. Set out the issues arising from the pleadings
3. Put those cases on an imaginary scale
4. Consider the evidence in proof of each issue then
5. Decide which side to believe based on the preponderance of credible evidence and the probabilities of the case.
6. Record logical and consequent findings of fact
7. Discuss the applicable law against the background of findings of fact.

See the case of **Adeyeye v. Ajiboye (1987) 3NWLR pt 61 page 432 at 451 paras A-C per Aniagolu JSC.**

Quite succinct in my opinion straight to the point and applicable in civil matters in the Magistrate Court.

In an essay titled seven steps to clearer Judgment Writing.5

“Without question – our Judgments are the products of our judicial endeavor and since they are available they can be analyzed immediately or in the near future and clear well written decisions are integral to the development of precedent through case law. Parties to litigation are usually keen to understand the result and the reasons”.

JUDGEMENTS MUST BE DELIVERED IN OPEN COURT BOTH

It is trite that delivering judgment in chambers is unconstitutional and the judgment is null and void see the case of Nigeria Arab Bank Ltd v. Barri Engineering Nigeria Ltd (1995) 8 NWLR (pt 413) page 257 at page 276 para B-D page 290 paras B – F per Belgore JSC (as he then was). Therefore do not waste your time by delivering it in chambers.

CONTROL OF COURT

As Judicial Officers we should be in control of our courts which include the effective control and management of the progress of proceedings before , during and after trial.

Using ADR – There is still urgent need to build judicial confidence in ADR and it’s appropriate place in dispute – resolution and case management. It is important to counsel members of the lower bench who have witnessed an increase in the influx of cases over the years that mediation can help reduce their case load so that a magistrate can sift through the cases in her docket, identify those suitable for ADR and refer them for mediation if time constraint will prevent possible resolution in open court, so that the

Magistrate can focus on the more serious cases that definitely have to go to trial and ultimately judgment will be delivered in those cases.

So I encourage your worships and your honours to kindly check cases in your docket to identify which ones are uncontested or contested but suitable for ADR or keenly contested and intend to go to trial. That is my humble opinion in the second step to writing good judgments in the Magistrate court.

HOW TO TREAT FILES RESERVED FOR JUDGMENT

Once a Magistrate pronounces in open court that a case is reserved till a particular date for judgment, you must draw the attention of your Court Registrar or Court Clerk to the file immediately, so that as he is collecting it from you standing in front of the bench, whisper to him to please tag it and bring it to you in chambers as soon as you rise.

Furthermore once you rise, call your registrar and request for all files reserved for judgment. They should be tagged and given to the presiding Magistrate.

The correct procedure is that the files reserved for Judgment are tagged and placed on the desk of the Magistrate but most times that is not the case, so do not assume the files will be on your desk without you requesting for them because if you don't request for the file, it is on the morning that the judgment is to be delivered that the court registrar will bring you the file and say "your worship / your honour this file is for judgment this morning I found it among today's files"!!!

Consequently, you will begin to wonder whether there is enough time to quickly put it together or you need to adjourn it to a further date since it is not ready and the parties are already seated in court. They came from far and near to hear the judgment, some brought family and friends, your court room is full and your reputation as the presiding magistrate is at risk oh dear ! what do you do ? I know what I'm telling you because I've been there. It has happened to me many times as a new Magistrate and I learnt the hard way but you don't have to.

Our court clerks vary, some are more experienced than others and their skills differ, therefore every court you are posted to it's usually with a new retinue of staff and most times your new staff do not have a clue about their work so you have to train them all over again.

It sometimes feels like you are usually posted just after you have succeeded in training your court staff to the level of efficiency that will allow your work to go on. Nevertheless make it a duty to get to know the level of efficiency of your new staff within the week you take over a new court and from day one have a staff meeting with them to help them understand your style and approach to your work and what you expect of them both in the Courtroom and in chambers. It is also good to let them know that they chose to work for a court so they understand that costly mistakes may have heavy penalties!!. A word is enough for the wise and that is not a threat to life !!! The fact is that a Magistrate has powers therefore use your powers to ensure that your job gets done.

I have had cause to report one of my former prosecutors to the DPO . I simply ordered another prosecutor to arrest him and take him to the nearest police station. The DPO came to apologise on his behalf ! I believe the

shock made him sit up and he never gave litigants any more trouble to my knowledge!

ETHICS OF JUDGEMENT WRITING

USE OF COURT DIARY

A magistrate must keep a record of cases fixed for judgments in his court diary so that he is fully aware of the pending judgments and the time limit.

JUDGMENT MUST BE WRITTEN BY THE PRESIDING MAGISTRATE

A Magistrate cannot delegate His powers of Judgment writing. You cannot ask someone else to write your judgment for you. Even if the person is your parent, spouse, sibling or friend who is either a Lawyer, Magistrate or Judge. Your Judgment is supposed to be your own: your own thoughts, your own reasoning, your own discretion, your own judges or magistrates instincts, your own perception and its supposed to be derived from your own knowledge of the facts and evidence before YOU. It is now undisputed that our Judgments are forever recorded and now possibly available world wide due to the advent of technological advancement which makes our rulings and judgments readable on the internet.

Check your name on the internet once you have judgments you may be pleasantly surprised or even shocked because sometimes the rulings and judgments are not accurately reported.

You therefore cannot run away from “your judgments” or those attributed to you, and your conscience will forever disturb you wherever you may be in

the world, if Justice was not done, or the Judgment is overturned on appeal, and you happen to agree with the reasoning of the court above. What will you now say? That you were not the one who wrote it? Will you apologise and say you regret that act? Who will you apologise to ? the parties ?, your Head of Court ? your embarrassed family members ? or even yourself ?. What do you say ? if you had known, if only !!! Or can you say you were negatively influenced by the opinion of the person who helped you to write the Judgment ?

The point is that, there is something about sitting in court which is a rare privilege that a Magistrate has, it is a rare privilege that you have as a Magistrate.

It is indeed a rare privilege to sit in court to preside over proceedings , listen to the evidences, the argument and submissions of parties, the testimony of witnesses and the cross examination of witnesses by seasoned advocates who display unparalleled advocacy. **It is also a rare privilege because there is a tendency that as the presiding Magistrate you will hear the unspoken aspect of their testimony which you will grasp through the tone of voice, body language, use of words and the general demeanour of witnesses which is revealed by their struggle to put their facts together to convince YOU the court.** Furthermore, there are about 180 million Nigerians, yet Judicial officers do not even constitute one percent of that figure, therefore it is indeed from that perspective also a very rare privilege to be a member of the bench in Nigeria.

DISCUSSING PRINCIPLES OF LAW OR FACTS OF A CASE WITH COLLEAGUES

There is nothing wrong in discussing the case before you with a colleague. He or she does not have to know the name of the parties but the facts and your concerns so that if required he or she may point you in the direction of the applicable or relevant case law or statutes. Just remember you cannot import what is not in the evidence so adhere strictly to exactly what is before you.

INTEGRITY / WORDS OF OATH OF OFFICE

As a Magistrate I stand here to declare that NOBODY has the price for your integrity therefore make it impossible for anybody to buy your conscience. It is pertinent to note that it is not only money that indicates corruption, any thing that can contaminate the reasoning of the Judicial officer even when it is not for monetary gain is unacceptable and should be avoided, because when a problem arises on account of it the judicial officer will be left to answer alone and it could be very costly. Consequently it is imperative therefore that **a Magistrate should never render the kind of HELP that will render him HELPLESS.**

Judgments can be influenced from the stage of hearing i.e. Before writing it, while writing it and even after writing it. This could be as a result of pressure from colleagues, friends, family, politicians, or your superiors on the Job. Sometimes people close to you from any of these categories may be bold enough to inform you that they need a “favour” even though they may have

been present when you took your oath of office to protect the constitution of the Federal Republic of Nigeria and perform your Judicial functions without fear or favour. Under no condition should you as a Magistrate allow your relationship with anyone, no matter how close, and no matter who they are, to make you betray your conscience and thus influence your decision.

COMMITMENT

A Magistrate's commitment to writing reasoned judgments should be irrepressible by people, things or circumstances that sometimes appear to be beyond your control, which is grossly unanticipated and inconvenient yet your commitment keeps you going. I said that to say this for the avoidance of doubt a Magistrate has to be committed to writing reasoned Judgments. The principle according to Blackburn J is that Justice should not only be done it should manifestly and undoubtedly be seen to be done. 6

The judgments Magistrates deliver display the Justice we do therefore it is imperative that we are committed to delivering judgments which is in effect Justice delivery.

ACCOUNTABILITY

Lagos as a case study or test case :

The Lagos State Judicial Service Commission requires that Magistrates submit monthly and quarterly returns of cases disposed of in their courts as well as copies of the judgments delivered during that period . Accordingly even if a Magistrate does not want to write judgments, in Lagos state it is not

just a statutory requirement, it is the key to magisterial promotion and I'm sure the same is applicable in other jurisdictions and states across the country. On a more serious note, your judgment is the only proof that you worked that month. How can a Magistrate convince the Judicial Service Commission that he handled numerous cases daily if he or she does not have judgments to show for it. Your daily long list of cases have no evidential value before them it is the certified true copies of your judgments that speak for themselves.

Furthermore, it is also very important for a Magistrate to write well-thought-out judgments because it is a requirement for consideration for the higher bench and even as a High Court Judge the National Judicial Council requires that Judges deliver well reasoned Judgments. Therefore, if you are already accustomed to writing reasoned judgments as a Magistrate it will be easy for you to comply with the NJC requirements upon your appointment to the higher bench. A word is enough for the wise.

COMMUNICATION

Except for the area court in the north the language of the Magistrate Court all across the nation is the English Language. Furthermore the language of the judgments the Magistrates write is also the english language. It is therefore indisputable that mastery of the english language is essential not just for the advocate that has to present his case to the court and persuade the court to decide in favour of his client but it is also paramount and essential for the Magistrate who will rule to have or develop mastery of the English language. We studied Law in English language, practiced the law in

English language and now as Magistrates we write and read our rulings and judgments in the same English language. Its no wonder English and Literature are compulsory subjects for secondary school students who intend to study LAW.

Lord Denning Master of Rolls Speaking about English Judges and their mastery of the English language as presented in their Judgments said

“They give their judgments by word of mouth. These judgments have been taken down and recorded in our law books for nearly 700 years. There are to be found there full, many gem of purest rare serene. When great issues have been at stake, the judgments are marked by eloquence, wisdom and authority. They have laid the foundation for freedom in our land. Judges do not speak as actors do - to please. They do not speak as historians do - to recount the past. They do not speak as advocates do- to persuade. They speak to give judgment. And in their judgments you will find passages which are worthy to rank with the great literature which England holds” 7

The whole world knows a Nigerian won The Nobel peace prize for literature⁸

Therefore we also rank among the highest for literary works worldwide including erudite Judgments that are now available in Law Reports on the internet. Consequently, that statement attributed to Lord Denning Master of Rolls is applicable to our own Magistrates who are judges of the Magistrate court as well as Judges of our superior courts of record. Accordingly since we realize that our judgments are for life and are now readily available to people all over the world through the advent of technological advancement,

the importance of good communication skills as per the effective use of the English language in our judgment writing cannot be over emphasized.

This is also the case because the English language is the vehicle that you need to convey and reveal your reasoning in your judgment. Our language skills i.e. The combination of our ability to understand the evidence and the testimony of the witnesses, the style and prose we adopt while writing the Judgment and thereafter the eloquence on display while reading the judgment in open court is the vehicle that helps you convey your judgment to its destination which is evidently doing Justice.

In his Paper on Judicial Ethics delivered on 1/12/10 at the NJI workshop for Judges of the Lower Courts in Nigeria which I had the privilege to attend.

Hon Justice I.A. Umezulike OFR Chief Judge Enugu State had this to say and i quote

“Neither in the discussions in court nor in the judgments should any inadequacy be located in the use of English Language. To succeed on the bench we must cultivate the command of the English language, not Latin vocabulary. We say so because the days of bespating our judgments with convoluted Latin words are over. Judges and Magistrates must remember that their judgments live forever. They must know something about the arrangement of English words, their beauty, their meaning, their association and above all the use that has been made of them by the great masters of English language such as Shakespeare, Bacon, Chaucer and others.” 9

THE JUDGMENT WITH THE REASONS MUST BE IN WRITING AND SIGNED 10

The ACJL provides numerous opportunities to hear cases and deliver multiple judgments in the same case.¹¹

YOUR JUDGMENT REPRESENTS YOUR THOUGHTS ON THE FACTS PRESENTED BEFORE YOU AND IT IS YOUR SOLE RESPONSIBILITY

It is imperative to note that according to both the ACJL and the Magistrates Court law of Lagos State even in circumstances where a Magistrate or Judge is indisposed or prevented by some unavoidable cause from delivering his judgment or the sentence it is only if it has been reduced into writing and SIGNED by the Judge or Magistrate that it may be delivered and pronounced in open court by any other Judge or Magistrate¹²

LEARN TO PROTECT YOUR JUDGMENTS

It is essential that the Magistrate ensures that his judgment is kept under lock and key until it is to be delivered, when he will remove it from safe custody and carry it into the courtroom himself. It does not form part of the file or the records until after the Magistrate has read it. In this day of technological advancement, access to your judgment before you read it can be even more dangerous than before because if photographed it can be sent around the world via social media. When I was still in practice as counsel in Chief F.R.A. Williams Chambers, we were told that the judgment of a court was being executed before the judge finished reading it and that was very costly as he was relieved of his duties. It is paramount that as a Magistrate you ensure that your court staff including and not limited to your court registrars, attendants, court clerks, police orderleys, your driver, if you

have one, etc do not, I repeat, do not have access to your judgment before you read it in open court.

THE ETHICS OF TYPING JUDGMENTS

In a situation where you do not have your personal secretary typing your judgments, you must ensure that none of the parties to the case have access to where it is being typed. It happened to me, once a typist located around the court premises who usually typed my judgments informed me that a counsel asked her to insert certain things into the judgment but she refused. The typist was a retired civil servant who served as confidential secretary of a commissioner, member of the state executive council while in service therefore she understood what it meant to be cautious and prudent and realized immediately the danger the suggestion of that counsel posed to achieving the aim of the Magistrate which is to do Justice. That information really shocked me and since that day I have tried to either type my judgment myself or ensure that it is not typed where it can be compromised and finally wherever it is typed and whoever may have typed it even if I type it myself I scrutinize it very well before signing and I also ensure that I sign each page so that it cannot be mutilated.

A JUDGMENT SHOULD BE SIGNED TO BE VALID-

THINGS TO CONSIDER BEFORE SIGNING YOUR JUDGMENT

Read it carefully, over and over again to ensure that it represents your well reasoned thoughts on the matter. Even if you type it yourself one letter or

alphabet in the wrong place can change the meaning of the whole sentence. Furthermore, where figures are involved you don't want to order payment of one million naira when what they deserve is one hundred thousand, because the decimal point being in the wrong place or one extra zero in the figure can change the total amount. You don't want to give the impression that you either compromised or are incompetent because neither of the two is a compliment.

KNOWLEDGE OF THE LAW

It has been said times without number that a good lawyer is not the one who knows all the law but one who knows how to research the law yet a good magistrate is expected to be the custodian of the law which means since you are expected to take Judicial notice of most principles of case law and statutes, you need to take practical notice of them by making effort to read law reports and other law papers extensively even in your spare time which is probably non-existent. That way you may not know all the law yet you are familiar or possibly very aware of how to gain access to it through research and hopefully it may not be entirely strange to you because you follow the development of the law in the specific field of your endeavours.

PRACTICALLY RECORDING EVIDENCE- testimony of witnesses and records

WRITE LEGIBLY

We must not forget that in most courts across the nation, proceedings are still being recorded in long hand; therefore, when it is time to re-read those proceedings so that the Magistrate can evaluate the oral evidence, if it was written in a hurry the Magistrate may not be able to understand his or her own hand writing anymore which will defeat the purpose of documenting the oral evidence in longhand. Therefore, until such a time as court recorders are assigned to your court, kindly make effort to tell the witness, to speak slowly and try to write everything you see and hear down legibly because, when you are ready to write your judgment, you will be alone at your study desk with the roughly scribbled records, and you need the records to remember the details you observed.

Sometimes, if a Magistrate does not write legibly, he or she may not be able to understand his or her own hand writing when trying to deliver the judgment, which is why most of us prefer to type our judgment before reading it in the open court. Though most Magistrate Courts do not have a court recorder some do, ¹³ but in most of the courts across the nation, Magistrates write in long hand therefore we need to ensure that we write legibly so that when we need to consider the record of proceedings we are not at a loss.

MARKING DOCUMENTS AS EXHIBITS

When a Magistrate marks a document admitted in evidence as an exhibit for instance “Letter dated 24th July 2017 from Messrs NJI solicitors, counsel to the defendant is admitted in evidence marked exhibit 1” the court registrar is supposed to collect the letter from the bench and mark it accordingly.

There could be complications if the registrar doesn't mark it accordingly. If he marks it as I (roman numeral number one) instead of figure 1, it could cause confusion let alone if he doesn't remember to mark it at all due to the work load. Therefore no matter how busy you are in court remember to give the document tendered to the registrar to indicate the specific mark you stated to avoid confusion in the very near future when you need to consider the exhibits before writing the Judgment .

QUALITIES OF A GOOD / WELL THOUGHT OUT

REASONED JUDGMENT.

A judgment requires an introduction, a middle and an end. The judges note-taking method is an integral part of judgment writing. The history and the facts as well as the credibility of the parties or witnesses is often an important part of the fact finding process.

It must be clear, readable, logical, contain well researched principles of law, statutes, case law and be of good quality. The quantity is not a priority as long as the magistrate is not economical with the reasons for deciding so that justice is not slaughtered on the altar of brevity and speed. But the judgment should not be unnecessarily long or verbose to impress the public or the higher court just in case the matter goes on appeal. A Magistrate should not play to the gallery but be fully persuaded that her decision is in the best interest of justice.

NEW MAGISTERIAL POSTING AND TRANSFER TO A NEW COURT

Sometimes when a magistrate is transferred to another magisterial district it may involve relocating court files that will follow her as part heard matters. Ensure that the exhibits are secure so that they are not lost in transit. Also ensure that your former court registrar hands over properly to the new court registrar with records which accurately describe the documents and files handed over to prevent a situation where you are unable to write your judgment because of MISSING EXHIBITS !

CATEGORIES OF JUDGMENTS

The various categories of judgments in the Magistrate Court in my opinion are as follows; Two major categories i.e. **Defended Judgments and Undefended Judgments.**

DEFENDED JUDGMENTS

There are three types of Defended judgments I have had the privilege to write

-Contentious

-Non Contentious and

-Highly Contentious

Undefended Judgments on the other hand are basically two types:

Straight forward undefended judgments and complicated undefended judgments. In my opinion straightforward undefended Judgments are the judgments delivered in cases where the defendant never attended court neither was the defendant represented by counsel. There are also straight forward undefended cases where even though the defendant is present or even represented by counsel he is either ready, willing and able to enter

terms of settlement or doesn't dispute the claimants claims in all its ramifications. In those cases it does not appear that the defendant disputes the claimants evidence and the evidence is unchallenged. The courts have held in cases where evidence is unchallenged the plaintiff is entitled to judgment. See the case of Bello v Fayose (1994) 2 NWLR Pt 827 @47

Complicated Undefended Judgments. There were occasions when the claimant lost undefended cases because it was not in the best interest of Justice to grant in his favour even though it was undefended.¹³

Sometimes a Magistrate may have to non suit a claimant for not proving his case due to insufficient evidence or the evidential value of the documents tendered is zero, negligible, inconsequential thus even though it is undefended it does not qualify as satisfactory proof being bad in law for whatever reason.

The proviso to Section 61 Magistrate court law 2009 provides that the Magistrate shall have power to non-suit the claimant in every case in which satisfactory proof shall not be given entitling either the claimant or defendant to judgment.

TYPES OF JUDGMENTS / RULINGS ¹⁵

“Declarative Judgment: (discretionary and cannot be stayed).

Executory Judgment: (can be stayed). It declares the respective rights of the parties and proceeds to order the defendant to act in a particular way e.g. To

pay damages or refrain from interfering with the claimant rights. (Okoya V Santilli (1990) 2 NWLR (part 131) page 172 at 196 part G per Agbaje JSC.

Consent Judgment, Summary Judgment, Default Judgment and **Judgment on the merits**

A Judgment or Ruling on the merits is the one which is obtained where the case has been argued and the court has decided which party is in the right- OyegunV Nzeribe (2010) 7 NWLR (part 1194) pg 577 per Adekeye JSC as she then was at pg 595 par D.

At par 1.34.36 of her book, Her ladyship had this commentary on **Obiter and Ratio Decidendi**

a) A “*ratio decidendi*” is the reason relied upon by the Judge for the judgment while “*Obiter*” is the Judge’s passing remarks, which have nothing to do with the live issues for determination in the matter. In principles of *stare decisis* an obiter is not binding but has persuasive force. An obiter of the Supreme Court, could, with time assume the status of *ratio decidendi*. Nwana V Federal Capital Development Authority (2004) 13 NWLR (Pt. 889) pg 128 at page 141 Para B-F per Tobi JSC.

It is only the *ratio decidendi* that is binding, not the obiter-Nepa V Onah (1997) 1 NWLR (Pt. 484) page 680 at page 689 Para A-B per Mohammed JSC.

We however in the Magistrate court have to deliver most of those types of judgments as well as bench rulings or considered rulings and judgments on the following :

Civil cases

Quasi- criminal matters

Criminal matters

Default Judgment

Summary summons

ordinary summons

Land lord and Tenancy matters as well as Coroner's Inquest.

CORONER'S INQUISITION, VERDICT AND RECOMMENDATIONS

The coroner's verdict and recommendations is the judgment in a coroner's inquest which is a special kind of proceedings when the Magistrate sitting as a coroner investigates an unexplained death and has to proffer recommendations to appropriate agencies or persons that could have helped prevent the unexplained death or will help ensure that a similar thing does not occur in the near future. The proceedings in a Coroner's inquest is not identical with regular court sittings, as the regular rules of evidence are not strictly adhered to, since the coroner is on a fact finding mission, and not on a fault finding mission. Therefore it is without the common incidents of the regular court .

THE SCOPE OF AN INQUEST

An inquest is an inquiry into who the deceased was, how, when and where he died. It is about what happened not just who was responsible for what happened.¹⁶ In an inquest there are really no formal parties or sides or pre-formed allegations. There is no defendant, claimant or complainant but the court is concerned about the deceased and how to prevent a similar occurrence.

No individual or body of persons or agency is on trial for any civil or criminal liability. There are also no prosecution or defence teams. Counsel are not defence counsel or complainant's counsel but witnesses can have a counsel watching their brief or appearing for them as the case may be.

I recently completed an inquest into the death of a ten year old girl who was beaten to death with a mop stick. I called 13 witnesses which include neighbors of the deceased, four doctors: i.e. the pathologist that performed the autopsy i ordered, the doctor who attended to the deceased when she was brought into the hospital dead, the Chief Medical Director of the General Hospital Ikorodu where the death was noted and registered after her body was seen lying around and authorities were informed and police investigation commenced, and a gynecologist to delve into the reasons the police gave for releasing the pregnant guardian of the deceased child who the invest revealed was the person that committed the crime.

I also called the landlord of the deceased, guardians of the deceased, the biological father of the deceased and two police investigating police officers, one from the area near the scene and also from homicide section STATE CIID where the case file was transferred to. There were many issues including child trafficking, unlawful killing etc that came up and in my verdict I ordered the arrest of the guardian for murder and asked the relevant authority to investigate further based on the enormous evidence before me. Apart from the enormous oral evidence, the autopsy result described the murder weapon and the description fit in with the broken mop stick found at the scene of the crime.

The coroners inquest is a grey area which is within the jurisdiction of the magistrate court so magistrates need to read up on it as you could be appointed a Coroner by your Head of Court in the very near future and you will need to write reasoned verdicts and recommendations.

DO NOT BE AFRAID TO MAKE A MISTAKE

Many judgments do not get written on time or written at all, not because the writer has writer's block but because the writer (the magistrate) is afraid of making a mistake. **Do not be afraid of making a mistake.**

Even if you are sitting on appeal considering the judgment of the customary court or whatever the type of case. Sincerely those words should be engraved in gold and hung in the chambers of all Magistrates especially being a court of summary jurisdiction where you may take oral applications spontaneously which do not constitute springing surprise on the other side and the court's jurisdiction permits it. Also a Magistrate may need to give numerous bench rulings during the course of one day's sitting therefore a Magistrate cannot afford to be afraid of making a mistake .

Fear cripples – You won't be able to think or write anything if you are afraid. **Indecision too is not advisable. An accurate definition of fear is as follows : False evidence about reality.**

F – False, E – Evidence, A – About, R – Reality

Remember that definition next time you are afraid to write your judgment and write it afraid, just write it.

Never be afraid to make mistakes. Sometimes a mistake is a step in the right direction because you learn not to do it like that again and you can learn to improve on what you did before.¹⁷

It has been discovered that many judgments do not get written promptly mostly because the proposed author and writer the magistrate who heard the matter from inception to its logical conclusion is in fact too scared or terrified to put pen to paper and analyze the evidence before him in clear well thought out reasonings because of the possibility of Learned Counsel writing a petition against him instead of filing a notice of appeal. For the avoidance of doubt let it be known that filing a notice of appeal against your ruling or judgment does not mean the judgment is not good -that is the prerogative of the litigants and their counsel since someone will lose while the other wins.

It is desired that if they go on appeal, our judgments should be upheld in the Court above and not overturned or set aside by the High Court sitting on appeal but as much as we desire that our judgments be upheld by the High Court, there are numerous authorities where the High court overturned decisions of a Magistrate Court, but on appeal the Court of Appeal or the Apex Court, the Supreme Court overturned the decision of the High Court and upheld that of the Magistrate.

Therefore, remember it is not over until it is over, we are developing the law daily as we interpret it in our courtrooms on a daily basis and even though the Magistrate does not claim to be the custodian of all knowledge or an epitome of wisdom yet there is no harm in trying to do your best in whatever circumstance you find yourself.

I truly wonder where the issue of fear emanated from especially in circumstances where it is clear that the major reason why the judgment of a Magistrate Court or any other Court may be set aside that could cause maximum embarrassment to the court or presiding Magistrate or Judge is when there has been a miscarriage of justice.

On what amounts to a miscarriage of Justice.

*“Miscarriage of justice can be said to be such a departure from the rules which permeate all judicial process as to make what happened not in the proper sense of the word judicial procedure at all. What constitutes a miscarriage of justice vary, not only in relation to particular facts, but also with regard to the jurisdiction invoked by the proceedings in question. A finding that a different result necessarily would have been reached in the proceedings affected by the miscarriage is not required before one could reach the conclusion that there has been a miscarriage of justice in the proceedings. It is enough if what is done is not justice according to law”¹⁸– see *Nnajifir v. Ukonu* (1986) 4 NWLR (Pt. 36) 505, *Adigun v A-G Oyo State* (1987) 1 NWLR (Pt. 53) 678, *Okonkwo v. Udoh* (1997)9 NWLR (Pt. 519) 16.” Per Onnoghen, JSC , CJN [Pp. 29 -30] lines, 40 – 15.*

Thus, there is not much to worry about, if you ensure that you have jurisdiction to hear and determine the matter before proceeding to hear same and if you apply the law to the facts after evaluating the evidence before you.

All other reasons for setting aside a judgment or overturning it on appeal are not an embarrassment to the magistrate but a way of doing justice in those peculiar circumstances and granting the defendant who was not available during the actual proceedings access to justice.

His Lordship, Oputa JSC as he then was proffered “a proper and scientific approach to the difficult problem of writing a judgment”¹⁹ I quote *“Since my commentary in this was motivated by the way the judgment of the learned trial Judge was written, it may not be out of place to proffer what I would consider to be a proper and scientific approach to the difficult problem of writing a judgment.”*

*“The question then is how does the Magistrate evaluate the evidence of the witnesses before him in the absence of pleadings as in High Court? There is no difference. The Magistrate who must at the trial record the evidence of the witnesses for the plaintiff and those for the defendant can look at the records as pleadings”*²⁰

“In short, before a judge whom evidence is adduced by the parties before him in a civil case comes to a decision as to which evidence he believes or accepts and which evidence he rejects, he should first of all put the totality of the testimony adduced by the plaintiff on one side of the scale and that of the defendant on the other side and weight them together. He will then see which is heavier not by the number of the witnesses called by each party, but by the quality or probative value of the testimony of those witnesses. This is what is meant when it is said that a civil case is decided

on the balance of probabilities. Therefore in determining which is heavier, the Judge will naturally have regard to the following:-

a) Whether the evidence is admissible

b) Whether it is relevant

c) Whether it is credible

d) Whether it is conclusive

e) And whether it is more probable than that given by the other party. Finally after evoking the law, if nay, that is the applicable law to the case the trial judge will then come to his final conclusion based on the evidence which he has accepted.”²¹

REASONS FOR YOUR DECISIONS ARE ESSENTIAL

No matter the type of case you intend to deliver a ruling or judgment on, and regardless of the type of judgment, Justice must not just be done it must be seen to have been done. Don't just decide, give your reason for arriving at that conclusion like a ratio decidendi. It must be transparent for all to see that upon your consideration and evaluation of all the evidence before you both oral and documentary you arrived at that conclusion. This is to prevent your judgment from being overturned or set aside because if the court above did not see that you did justice in your judgment it will be compelled to help you to do justice !

In the case of Lopes V The State (1968) ALL NLR 356 where the court judgment was simply recorded as “Oral judgment delivered conviction as charged” The supreme court held that there shall be judgment in writing under section 286 of the Criminal procedure Code. The reason for it must be given under section 286 of the code. Conviction quashed”

That is still the position of the law by virtue of the words of that statute being enshrined in the ACJL. It is thus clear that a Magistrate's judgment though not required or advisable to be lengthy or verbose must not be economical with the reasons for arriving at the conclusion because to do so will be fatal to the decision as it would be set aside or overturned on appeal.

TIMING OF JUDGMENTS IN CRIMINAL OR CIVIL MATTERS Frequently asked questions

When do I start writing my judgment?

Writing judgment is the personal prerogative of a Magistrate therefore if you prefer you may start when you begin to hear the case. That way you make observations about the demeanour of the witnesses and other things as the case goes on so that when you reserve it for judgment you only need to evaluate the evidence and arrive at your conclusion that is a better approach even though the case may not end up in a judgment if parties decide to settle yet if they don't settle it helps you to keep abreast of the files you are handling.

In practice however most times it is after reserving a case for judgment and the file is forwarded to the chambers of the magistrate that the magistrate starts studying it from the first page and by then if it is contested it's probably 300 pages already and it looks like a long scary journey especially if you have 4 or 5 other files that look just the same way and you need to deliver them all around the same time.

FAMILY LIFE WHEN WE NEED TO WRITE JUDGMENTS

FAQ – How do i combine the challenges and pressure of work with my family life ?

Family life does not have to be disrupted because a magistrate is writing her judgment. You need to be careful not to allow the pressure of work or the work load to rob you of your precious family relationship.

As a marriage and relationships counselor, I tend to mediate between couples just because we misuse the power given to us by our jobs to devalue our responsibility as husband or wife in the home.

One of the greatest treasure that God has given to us is TIME. We have to be conscious of it, but we should not be controlled by it. You must learn to make time for your family relationship. “To every thing there is a season, a time for every purpose”

Whether you like it or not, a specific time will come when you will retire on this job, but with the family, the impact is eternal....

TIMING OF A JUDGMENT

In Lagos State, Section 60 (1) of the Magistrate Court Law 2009 provides “ A Magistrate shall deliver judgment in every action or matter not later than twenty one (21) working days after close of trial.

In appropriate cases the Magistrate may deliver judgment and reserve reasons to a later date not exceeding twenty one (21) working days ²²

Most Magistrates seldom take this option because it may not be suitable for the 21st century Magistrate court in Nigeria due to the volume of work and may become obsolete but it is possible that it could become useful once in a while being a court of summary jurisdiction.

These statutory provision indicates quite clearly that it is mandatory that the reasons for the decision to convict an individual are set out clearly since the fundamental right of an accused person protected by our constitution is that he or persons authorized by him be given copies of the judgment within seven days of the conclusion of the case.

*“It is clear that the constitution did not only envisage final verdict but the reason for it as well.”*²³

Some Magistrate Court Laws and Rules of different states may have timing required for the delivery of judgment therefore check the rules of your court and comply with it.

It is settled law that the judgment which must include the reasons for it must be delivered within a reasonable time after completion of evidence in the case when the impressions made on the Magistrate by the witnesses are still fresh and have not become dimmed by the passage of time.²⁴

It is however advisable not to adjourn outrightly to the 90 days if it is applicable to your state. You may due to your workload adjourn for six weeks or two months at the 1st instance so that you can get it off your list and other judgments can be delivered but on the other hand if for some reason the judgment is not ready you can still reserve it for another two weeks without flouting the 90 days rule or the time limit as dictated by your rules of court.

HELICOPTER VIEW

You need to be cautious with the way that lawyers present their cases. Some will look at the case from the perspective of the law, while others will look at the law from the perspective of the case. As the presiding Magistrate you have to have a helicopter view that will encompass both parameters of reasoning and show you the big picture where nothing relevant is hidden.

The **Helicopter View** will give you greater perspective to exercise your deductive reasoning when writing judgments.

In a recent case in the U.S.A a lady was charged with five traffic offenses at different times and was finally arraigned before the judge but got mercy due to her subjective circumstances.

You have powers, and sometimes your discretion is paramount. Use both your powers and when applicable - your discretion to do justice, use them to uphold the rule of law in your judgments and where applicable use them to temper justice with mercy in your judgments.

Not only should a Magistrate not descend into the arena, your sit in the courtroom is a bit higher so that you do not stay at the level of the thoughts of the gallery. A Magistrate needs to have a helicopter view of the proceedings to enable him arrive at a just decision.

INTIMIDATION

It's been said that when some lawyers do not want their cases to go on they simply come to court with a lot of law reports and very big books and then

arrange them on their table at the bar to intimidate magistrates therefore do not be intimidated. Simply study your files.

Also sometimes during proceedings some lawyers may try to intimidate you, do not be intimidated. And you do not reveal your lack of intimidation by having a shouting match with counsel appearing before you but by simply adopting the style of My Lord Hon. Justice Kekere Ekun JSC when she was a Magistrate and a High Court Judge in Lagos State.

INTRIGUES

When hearing submissions some lawyers who appear before the magistrate court cite non existing case law as authorities and I have spent hours in the library trying to locate them only to discover it's a fallacy. I have also discovered that many times when a Lawyer cites a case as authority on a point, it might not even be relevant or the appropriate authority. I have however learned a lot from researching the cases cited and I used my findings in my rulings and judgments and it also remains useful for future cases. Initially, **I thought maybe the Lawyers who indulged in such practices do not know the law, but contrarily, i discovered that they also think they could do that because the Magistrate may be too lazy to research and find out its false.**

WHEN AND WHERE TO WRITE THE JUDGMENT

Some judgments can be written during office hours, yes we may need to go to the library for research or stay up late reading or writing or wake up in the middle of the night to write out parts of the judgment as you get inspired, so have paper and a pen by your bedside so that if you wake up in the middle of

the night even if there is power failure you can easily get the paper and pen and write quickly without tripping or falling down. The same goes for attempting to print your judgment in the middle of the night avoid the wire, try not to trip over it, i know what i'm talking about.!!!

JUDGMENTS ARE PUBLISHED WORKS OF MAGISTRATES

Our judgments are published works of each magistrate. It is like a story you have written, a prose you are telling the world about a true life incidence that happened and how you resolved it or how justice prevailed. The contents of Certified true copies of many judgments have been turned into movies and plays just like the works of play wrights. Believe it or not the Magistrate writing a judgment is like a narrator summarizing the events that transpired e.g. the evidence of witnesses and then analyzing the evidence and the applicable law and arriving at the just and appropriate conclusion which is open to all to see how he or she arrived at that destination.

TRANSPARENCY IS A NECESSITY

Writing a judgment is an exercise in transparency. Nothing can be hidden, no extraneous facts considered only what is before the court and this helps in case any party intends to file an appeal, the court above will consider the transparency as it will enable them to have a clear and vivid understanding of the events that transpired in the trial court or in the court below.

INDECISION / LACK OF INSPIRATION TO WRITE JUDGMENT

I cannot explain it but there are times a magistrate adjourns a case for judgment but does not feel inspired to even touch the file let alone begin to study it to enable him put his thoughts on paper. I sincerely do not know

what causes it but I know that during my 13 years as a magistrate I have had that feeling at least five times. It usually occurs when the case is keenly contested and the file is very big. Now you may have 50 files that fit the same description yet you write the judgment in 48 as at when required but for one or two files you just feel enunciated or don't even want to touch it.

No matter your religion or lack of it put it into prayer and the coast will be clear. Don't let it affect your mood.

WISDOM FROM ABOVE

Once I'm having difficulty in writing a judgment I pray on the file. I ask God to help me write it the same way he provides for me and helps me to be the kind of judicial officer that will make him proud. I usually get inspiration to write it from that day onwards. I'm telling you it works.

BEHAVIOUR OF LITIGANTS AND THEIR COUNSEL

Don't let it put you off or spoil your mood. Your lack of inspiration to write the judgment may have been triggered by focusing on the wrong attitude of the litigants or their counsel but don't allow it to affect you.

JUDGES INSTINCT

A Magistrate needs the wisdom of God to hear and determine cases. King Solomon prayed for wisdom to lead Gods people he got more than he asked for, we call it judges instinct but it's really God's wisdom you just know what to do, how to do it, and when to do it. Sometimes your instincts tell you because your instincts are controlled by the wisdom of God.

DISCERNING SPIRIT

The way you develop everything you do in the secret place that people do not see will account for your ability to discover or understand the unspoken or unwritten aspect of a case.

You have to be the Judge of your own conscience first. You have to learn to discipline yourself in terms of getting to work on time, spending quality time reading law reports and not indulging yourself in all kinds of activities that will consume the time you need to spend to do justice.

You can't spend your time on facebook during office hours and not finish your cases. Everyone must know that from 8-4 you are not accessible to them. "All things are lawful for me but all things are not helpful, All things are lawful for me but I will not be brought under the power of any" All things are lawful for me but not all things build up"²⁵

WHY MAGISTRATES NEED TO WRITE REASONED JUDGMENTS

"Producing well written reasoned judgments is the goal of all members of the bench . Badly written Rulings can have significant legal consequences for both the parties who may incur costs as a result of a need to appeal a poorly worded decision or opinion and society as a whole since a poorly drafted Precedent may drive the law in an unanticipated and unfortunate direction or lead to increased litigation as individuals attempt to define the parameters of an ambiguous new ruling. As a result helping judges write decisions and opinions that are coherent and clear would

appear fundamentally important to the proper administration of justice.”²⁶

See LIVINGSTON ARMYZAGE EDUCATING JUDGES: TOWARDS A NEW MODEL OF CONTINUING JUDICIAL LEARNING 30 (1996)

Some authorities have suggested that Judicial Education should be considered part of a judges continuing ethical duty. See National Judicial Education program. *“Most common law countries including United States do not have career judges who are given instruction in writing judicial rulings from the earliest days of their legal careers. Judges in civil law countries are given this sort of early specialized training instead most common law countries have inherited the English traditions of selecting judges from a pool of experienced lawyers who are considered competent to take up their judicial duties immediately upon ascending to the bench.*

However, the skills associated with judging are significantly different from those associated with advocacy and new judges face a very steep learning curve. Nowhere is this more true than with respect to the task of learning to write well Reasoned decisions and opinions. As a result, many newly appointed judges find the move from advocacy to decision from marshalling and presenting evidence to fact finding and synthesizing” to be extremely challenging.”²⁷

In considering the rules of the Art of Judgment Writing as stated in Stephen Vs State (1986) 5 NWLR (Pt. 46) 978 at 1005, paragraphs A-G:.. By my Lord

Oputa JSC as he then was . I want to talk about the first rule since it is relevant to the summary jurisdiction of the Magistrate court.

Stage 1: If the plea of the accused person is guilty, no issues arise and no evidence is required. The trial court can proceed straight to judgment. ”

The procedure in practice is as follows:

Charge is read to the defendant in english/translated

if he indicates that he understands the charge

and pleads guilty

the prosecutor gives the facts of the case.

“Are the facts correct as stated”.

“if the facts are not admitted “not guilty / the court will grant bail with or without an oral application from counsel.

If “facts admitted”

Finding: Having admitted the facts the defendant is hereby found guilty as charged.

Allocutos

Sentence

That is the summary jurisdiction of the Magistrate court with regards to brief criminal trials and immediate sentence or judgment.

Unlike when the defendant pleads not guilty and the case is adjourned for mention or trial and trial commences and progresses to the final addresses and then judgment.

Stage 2: When issues are joined, evidence is led in proof or disproof of each issue and it is the duty of the trial Court to record the evidence led and also observe the demeanor of the witnesses.

Stage 3: Apparently this happens to be the most crucial stage as it deals with the perception of facts, evaluation of facts, belief or disbelief of witnesses, as well as findings and conclusion based on the evidence accepted by the trial court. Here the trial court will briefly summarize the case of either party using the evidence to tell a coherent and connected story and conclude by deciding which story to believe or disbelieve giving sufficient reasons based on all the evidence before the court resulting in the finding of facts.

Stage 4: Finally the trial court will then draw the necessary inference or conclusion from the facts as found applying the appropriate law.

JOURNAL - quick reference book

You need to have a journal, a note book to jot down case law, statutes principles of law etc that you discover daily so as to enable you have them available at your finger tips should you require them for bench rulings or considered judgments.

ATTRIBUTES OF A GOOD JUDGMENT

It is clear that except for the 90 days rule that is applicable to superior courts of record and which a Magistrate court is not expected to go beyond, but remain within the parameters dictated by the rules of that Magistrate court, all the attributes of a good judgment as set out by His Lordship Hon Justice

Niki Tobi JSC as he then was in his book *The Nigerian Judge* are applicable to writing judgments in a Magistrate court. ²⁸

Language and Style - ".Language is no less the tool of a Judge." In my opinion the long and short of it is that the courtroom, could be regarded as a theatre of "Word War" and if you are not careful as a Magistrate when writing your judgment you could be the casualty when there is a petition against you or they appeal against your judgment on the ground that there was a miscarriage of justice.

Research- "A good judgment should show evidence of purposeful and relevant research".

Creativity and the Rules of Stare Decisis- The writing of a judgment is a technical venture which requires skill.

Length of Judgment - "A good judgment is not determined by its length but by the quality. A judgment should be long enough to deal with the relevant facts and issues and no more. "

"One will only wish that our trial courts do approach the difficult task of writing judgment in some methodical and orderly fashion. ²⁹

YOUR POTENTIAL

As a newly appointed magistrate you never know how competent you are until you are confronted by cases that will make a demand on the stuff you have within you or stuff you are made of.. I am confident that everyone of you here today are set to do greater works that some of us have done.

CONCLUSION

I hope this paper has inspired you to focus on where you are going and how to get there fulfilled, instead of looking back at errors or mistakes or fearfully approaching your destination. Our goal is to write good judgments in the Magistrate Court's which will ensure speedy dispensation of justice that will help impact the nation and encourage the common man. I know we will get there.

A judge who says to the wicked, "You are innocent," will be cursed by many people and denounced by the nations. 25 But it will go well for those who convict the guilty; rich blessings will be showered on them.

Proverbs 24:24-25: NLT

I wish you all a most rewarding time at this workshop. The privilege of addressing you has been mine.

I thank you for your attention.

Adejumoke Olagbegi-Adelabu ACI Arb

Chief Magistrate / Coroner

Lagos State Judiciary

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5 The Honourable Justice Linda Dessau, of the Family court of Australia and His Honour Judge Tom Wodak, of County Court of Victoria.

6 held in the case of R. V Rand (1886) L.R.I.O.B. 230 see also Brett A.G. CJN in Obadara v The President, Ibadan West District Grade B Court.

7 Lord Denning Master of Rolls

8 Prof Wole Soyinka

9 Paper on Judicial Ethics delivered on 1/12/10 at the NJI workshop for Judges of the Lower Courts in Nigeria which i had the privilege to attend. By Hon Justice I.A. Umezulike OFR Chief Judge Enugu State

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11 Section 308(2) of the 2015 ACJ law, oral judgment with brief record of reasons, Section 311 (1) ACJL which provides for sentence and sentencing hearing, Section 314 (1) ACJL compensation for victims, Section 314 (2) ACJL additional hearing to determine quantum of compensation.

12 Section 315 Administration of Criminal Justice Law 2015 see also Section 60 (3) of the Magistrate Court Law 2009

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19“in the case of Isaac Stephen is the state [1986] 5 NWLR pt. 46 978 at 1005

20 This ratio applies with equal force to the Magistrate Court in Criminal Judgment.” Awala J - The Magistrate in action.

21 and follow what the Supreme Court stated in *Mogaji v. Odofin (1978) 4 SC 91 at 94 – 95*.

22 Section 60 (2) of the Magistrate Court Law 2009.

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24 *See:- the case of Ariori Vs Elemo (1983) 1 SC 30*

25 1st Cor 6:12 ,1st Cor 10:23.

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27 S. I. strong in his article titled writing Reasoned Decisions and Opinions: A guide for novice, experienced and foreign judges stated appropriately.

28 His Lordship Hon Justice Niki Tobi JSC as he then was in his book The Nigerian Judge are applicable to writing judgments in a Magistrate court.

29 Awala J. at pg. 97 The Nigerian Magistrate in action.