

**JUDGMENT WRITING:
PRINCIPLES, PRACTICE, AND
PROCEDURE**

A PAPER PRESENTED

BY

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**AT THE ANNUAL INDUCTION COURSE FOR NEWLY APPOINTED
JUDGES OF THE LOWER COURTS (MAGISTRATES, JUDGES OF THE
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ACKNOWLEDGEMENT

I am deeply honoured and grateful for the opportunity to write and present a paper on the fundamental concept of judgment writing, which is essential to our judicial system. It is particularly humbling to share this knowledge with newly appointed Judges of the Lower Court, as their mastery of this concept will significantly impact the quality of Judgment delivery in their courts throughout their careers.

I extend my sincere gratitude to the Board of Governors of the National Judicial Institute, under the esteemed Chairmanship of the Honourable Chief Justice of Nigeria, **Hon. Justice Olukayode Ariwoola, GCON**. I also express my immense appreciation to the Administrator of the National Judicial Institute, **Hon. Justice Salisu Garba Abdullahi**, and the Institute's staff for their invitation, which reflects their confidence in my ability to deliver. I commend them for their dedication to continuous education programs under the current administration.

With over 23 years of experience in the Lagos State Judiciary, serving as a Magistrate and then, as a Judge, I believe I can offer illuminating perspectives and principles on this topic that will greatly benefit the newly inducted Lower Court Judges.

I Congratulate the newly appointed Lower Court Judges, may the Almighty God grant you all the strength and courage to uphold the rule of law in the pursuit of justice.

INTRODUCTION

I am here today to share insights into the art of Judgment writing, a crucial aspect of your role as esteemed Judges in the Temple of Justice. It is important to note that Judgment writing is not reserved for a select few; It is a skill that can be learned, honed, and perfected.

This paper aims to distil key principles, practices, and procedures essential for crafting effective Judgments.

What is a Judgment?

A Judgment in the context of my presentation has simply been described as a formal decision given by a Court. ¹ It has also been defined as the final decision by a court in a lawsuit, criminal prosecution, or appeal. ² It was also defined as a final finding, statement, or ruling, based on a considered weighing of evidence called, ‘adjudication’.³ It is a thoughtful resolution of disputes, grounded in reasoned analysis and legal principles. ⁴

The origin of Judgment is often attributed to religious teachings, with God being described as the First Judge. This is evident in the narrative of Adam and Eve, where God pronounced Judgment on their actions in the Garden of Eden, a Judgment that extended to all of humanity. ⁵

¹ [Judgment Definition & Meaning - Merriam-Webster](#)

² [Judgment legal definition of Judgment \(thefreedictionary.com\)](#)

³ [Judgement - Wikipedia](#)

⁴ Punjab Judicial Academy, *Guidelines of Judgment Writing*, <https://pja.gov.pk/system/files/hbgijwj.pdf> accessed 9th April, 2024.

⁵ Genesis 3: 16-19; Al-A’raf 7:19-25

In **PDP V. ACHADO & ORS. (2012) LPELR-CA/MK/EPT/46/2011**, the Court of Appeal per **ORJI-ABADUA, J.C.A** defined Judgment thus: -

Judgment is defined as the Court's final determination of the rights and obligations of the parties in a case. It includes an equitable decree and any order from which an appeal lies. In legal parlance, it refers to a final finding, statement, or ruling based on a considered weighing of evidence. Further, Judgment is defined in law to include the determination by a Court of competent jurisdiction on matters submitted to it or the act of determining, as in Courts of law, what is conformable to law and justice, also, the determination, decision or sentence of a Court or of a Judge, deliver Judgment i.e. its opinion.

With the groundwork of the definition of Judgment set, I will now transition to the core of my paper, where I aim to illuminate the principles, practices, and procedures of Judgment writing. I will accomplish this by navigating through several key areas: the Constitutional and Statutory Basis of Judgment, Objectives of Judgments, Features of Valid Judgment, Structure/Content of Judgment, and culminating in the Prose and Logic of Judgment.

With the introduction established, let us now delve into the intricacies of the paper.

CONSTITUTIONAL/STATUTORY BASIS OF JUDGMENT

In this section, I will explore the legal framework that governs the dispensation of Judgment by judicial officers. A valid Judgment must

conform to the legal requirements stipulated by the law, ensuring fairness and justice in its application. Therefore, for Judgments to possess validity and be supported by statutory and constitutional principles, they must adhere to the following guidelines.

To begin, **SECTION 36(4) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED)** mandates that Judgments must be delivered in open Court unless the trial was conducted in chambers or for reasons concerning public morality, public security, or the protection of a minor. This provision was judicially affirmed by the Supreme Court in the case of **ALIMI & ORS V. KOSEBINU & ORS (2016) LPELR-42557 (SC)**.

Additionally, the Rules of various courts also underscore this requirement. In Lagos State, where I preside, **ORDER 39, RULE 1 OF THE HIGH COURT OF LAGOS STATE (CIVIL PROCEDURE) RULES, 2019** explicitly mandates the delivery of judgments in open court.

Moving on, according to **SECTION 294(1) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED)**, all valid judgments must be documented in writing. The Supreme Court in **ARUM & ANOR V. NWOBODO (2013) LPELR-20390(SC)** reinforces this Constitutional provision, and thus it is pertinent for all valid judgments to be in writing. The above law underscores the significance of this presentation, highlighting the necessity for written judgments and why judges need to master the art of Judgment writing.

The same section of the Constitution also provides that all valid written judgments must also be dated, signed and sealed by the Judge. This position was also reinforced by the Apex Court of the country in **SULE V. STATE**

(2017) LPELR-47016(SC). In Lagos state, **ORDER 39, RULE 2 OF THE HIGH COURT OF LAGOS STATE (CIVIL PROCEDURE) RULES, 2019** mandates the requirement of dates in judgments.

Additionally, **SECTION 294(1) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED)** stipulates that written judgments must be prepared and delivered within 90 days after the final addresses of counsels to the parties. This has been upheld by the Supreme Court in **PILLAH V. FRN & ANOR (2020) LPELR-49769 (CA).**

However, a delay in delivery of the Judgment beyond the prescribed period does not necessarily invalidate the Judgment, provided it does not result in a miscarriage of justice, as clarified in **SECTION 294(5) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED).** (See the decision of the Court of Appeal in **OBIOZOR V NNAMUA (2014) LPELR-23041(CA).**)

OBJECTIVE OF JUDGMENT

As was observed by **ORJI-ABADUA J.C.A** in **GRAND SYSTEMS PETROLEUM LTD & ANOR v. ACCESS BANK PLC (2013) LPELR-CA/K/241/2011**, there are four purposes for any Judgment that is written by a Judge: -

- (1) to **Clarify** your own thoughts;
- (2) to provide reasons for an **Appeal Court** to consider;
- (3) to communicate the **Reasons** for the decision to the public; and

(4) to **Explain** your decision to the parties.

This can be easily remembered with the acronym, **CARE**. Therefore, before you begin writing a Judgment, It is essential to have **CARE** at the forefront of your mind. (Remember, if you don't **CARE**, your Judgment may not achieve its objective.)

Further to having **CARE** in mind, It is also not lose sight of the main objective of every Judge, which is the just resolution of the conflict before the Court. This was emphasized by the dictum of **SAULAWA, J.C.A.** in **UNITED CEMENT CO. LTD & ANOR v. LIBEND GROUP LTD & ANOR (2016) LPELR-CA/C/277/2013** where he delivered thus: -

For the avoidance of doubt, it should be reiterated that judgment writing is essentially a matter of style or methodology. Whichever method or style a judge adopts, the fundamental objective ought to be that cases put forward by the respective parties were accorded fair and dispassionate consideration. This is absolutely so because the ultimate objective of every judgment or decision arrived at is the attainment of justice according to law.

FEATURES OF VALID JUDGMENT

A valid Judgment has been simply defined as a correct Judgment decided on the facts of the case and the law.⁶ It was also referred to as a Judgment

⁶ Lord Burrows, Justice of the Supreme Court of the United Kingdom, *Judgment Writing: A Personal Perspective* (Being a paper presented at the Annual Conference of the Judges of the Superior Courts in Ireland on the 21st of ^{May} 2021.)

that meets the justice of the case as presented to the Court by the parties, satisfying all necessary legal requirements.⁷

While the Nigerian Courts have not explicitly defined what constitutes a valid Judgment, they have, over time, provided insights into the features and requirements of a valid Judgment through their pronouncements. The most notable of these pronouncements will suffice for this presentation.

The erudite **SANKEY, J.C.A** in **TSOKWA & ORS v. MIJINYAWA & ORS (2014) LPELR-CA/YL/26/2012** held thus on the features of a valid Judgment: -

It is well recognized that, as individuals, different Judges have different styles of writing judgments. Whereas some espouse brevity, others are long-winded, while others are in-between. In all these, what is of paramount importance is clarity, a proper consideration and evaluation of the facts as presented before the court, a proper application of the law to these facts, a decision, and the perception of the ordinary reasonable man that justice has been done to all the parties in the dispute. Evaluation is the dispassionate appraisal of the evidence before the court with a view to finding out which side of the imaginary scale the evidence preponderates.

⁷ Hon. Justice Abiodun Akinyemi, Judge of the High Court of Ogun State, *How Judges Think: An Insight into Judicial Reasoning* (Being a paper presented at the Maiden Edition of the Physical Distinguished Personality Lecture Series of the Faculty of Law, Redeemers University, Ede, Osun State on the 27th of February 2024.

Thus, drawing from the elucidation of the Learned Justice, the features that make a judgment valid are: -

- (1) **P**erception of an Ordinary Reasonable Man that Justice has been done to the Parties in the Dispute.
- (2) Proper **A**pplication of the Law to the Facts presented in Court;
- (3) **C**larity of thoughts of the Judge writing the Judgment;
- (4) Proper Consideration and **E**valuation of the Facts as presented in Court;
and
- (5) A **D**ecision.

Milords can easily recall this concept with the acronym **PACED**. So, in the process of writing the Judgment and even after the Judgment is ready, It is important to crosscheck and confirm that the Judgment is **PACED** for it to be valid.

STRUCTURE/CONTENT OF JUDGMENT

One thing that has been emphasised over time during this presentation as you might have gleaned from some of the authorities cited is the fact that there is no definite or prescribed structure for a Judgment. This point was reiterated by the noble **ADUMEIN J.C.A** in **OREH v. STATE (2017) LPELR-CA/B/30C/2006** where he decided that: -

...there is no established or immutable form, format, formula, pattern or structure for judgment writing. There are no binding guidelines or samples for judgment writing. All we have, from the

decided cases and human experience, are non-binding guidelines which an individual judge can adapt, adopt, adjust or apply to his own style. Therefore, experience has also shown that "no two judgments are alike".

In the same Judgement however, the Learned Justice provided guidelines for the structure of a Judgment when he referenced the Judicial Studies Board, (JSB) guidelines established for the European Courts which suggest that a trial Judge writing his Judgment should:

- (1) Begin by stating the nature of the **C**laim or **A**pplication. Identify the parties, and summarise the question(s) that you have decided;
- (2) Next, summarise the relevant **F**acts;
- (3) Summarise the relevant **L**aw (should this be appropriate);
- (4) Briefly set out the material **I**ssues and main **A**rguments on each side;
- (5) Make your essential **F**indings of fact, and **R**ulings on any disputed points of law; and
- (6) Make sure that you **D**ecide all necessary matters.

To enhance the memorability of the structure mentioned earlier, I've devised an acronym: **CLAIMS**. This acronym encapsulates the elements of the previously discussed structure, serving as a mnemonic aid. Here:

C - Clarify the nature of the Claim or Application

L - List and summarize the relevant Facts

A - Analyze the applicable Law

I - Identify the material Issues and main Arguments

M - Make essential Findings of fact and Rulings

S - Secure the Decision on all necessary matters

More poignant on the contents and constituents of a Judgment are the guidelines laid down by the erudite **OGUNTADE J.S.C** in his decision in **OMOTOLA V. STATE (2009) 7 NWLR PART 1139 PAGE 148 @ 168 PARA A-F** where he held thus: -

While each judge has his peculiar way of writing judgments, the constituents of a good judgment in a trial Court should contain the following:

*(1) The **issues** or questions to be decided in the case;*

*(2) The essential **facts** of the case of each party and the **evidence** led in support;*

*(3) The **resolution** of the issues of facts and laws raised in the case;*

*(4) The **conclusion** or general inference drawn from the facts and the law as resolved; and*

*(5) The **verdict** and the orders made by the court.*

From the proposed structure of the Learned Jurist, I have devised another useful acronym for easy recall and application. The acronym is **FIVES**, and it stands for:

F - Frame the issues or questions to be decided in the case

I - Identify the essential facts of each party and the evidence presented

V - Validate the resolution of the issues of facts and laws raised in the case

E - Establish the conclusion or general inference drawn from the resolved facts and laws

S - Set the verdict and the orders made by the court

To cap the sub-topic on the structure and content of a valid judgment, it will be amiss not to share the straightforward approach laid down by the eminent **ANIAGOLU JSC** in **ADEYEYE V. AJIBOYE (1987) 3 NWLR PART 61 PAGE 432 PARA A-C** which is adumbrated thus:

In Writing a Good Judgment;

- (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.
- (8) Give orders and grant reliefs.

THE PROSE AND LOGIC OF JUDGMENT

This sub-topic speaks to the language employed by the Court in its judgment, and the reasoning employed by the Court in arriving at its decision.

Hon. Justice Roslyn Atkinson of the Supreme Court of Queensland in her presentation to the AIJA Conference, Brisbane, on the 13th of September 2002 on Judgment Writing⁸, explained the essence of prose and logic in judgment that: -

Courts communicate to the public through the judgment they write, therefore, in order to communicate, a judgment must be clear, precise and say everything that needs to be said as to why a decision was reached and no more. In communicating with the parties, the parties and their Counsel need to know how and why a decision has been reached, that, it is particularly important the losing party knows why he or she has lost the case. The

⁸ <https://www.austlii.edu.au/au/journals/QLdJSchol/2002/44.pdf> accessed on 10th April 2024.

judgment has to show that the losing party has been listened to, that the issues contested and challenged by him were considered, that the evidence has been understood, the submission comprehended, and a decision reached.

Before embarking on the task of writing a Judgment, a Judge must recognize that they are undertaking a public act, communicating their opinion on the issues brought before them following a fair trial process.⁹

In **OREH v. STATE (SUPRA), ADUMEIN J.C.A** enunciated thus on the language of Judgment: -

All that is required of a judgment of a trial Court is that the language employed in the judgment, as much as possible, should be simple, concise and comprehensible, because in a lawsuit a trial Court's judgment is mostly directed at the litigants themselves. Therefore, if the language is simple, even a lay litigant can by himself read the judgment and understand why he has lost or won the case. It has been stated that "Litigants want judgments, not rhetoric, so that they can go on with their lives.

It has been said that the language employed by a Judge reflects their character. A humble Judge, displaying human qualities, refrains from using inflammatory language. Judges need to ensure that their statements

⁹ Punjab Judicial Academy, *Guidelines of Judgment Writing*, <https://pja.gov.pk/system/files/hbgjwj.pdf> accessed 9th April 2024.

maintain a judicial tone, characterized by sobriety, moderation, and restraint.

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Judicial language should steer clear of any semblance of partisanship. Judges must uphold dignity and decorum in expressing their opinions. They should strive to avoid phrases or expressions that could imply preconceived notions or bias, which might lead to perceptions of partiality or inability to weigh evidence impartially.

The presentation of facts, organization of topics, including the examination of evidence, and the flow of language should captivate the reader's interest, compelling them to read through to the end.

On logic in Judgment, a valid Judgment must clearly articulate the reasons and premises upon which the Judge based their conclusions and findings leading to the final Judgment. The Judge must provide their reasoning transparently and without bias or prejudice, ensuring that the Judgment is self-evident and self-explanatory.

This was the position of the Apex Court in **NDIDI V. STATE (2007) 5 S.C 177 AT 196; PARAS 15 - 35 (SC)**, where it was held that a trial Court must arrive at its decision through a process of reasoning which is analytical and commands confidence.

Failure to provide reasons for a Judgment renders the conclusion non-binding, as a Court commits a material irregularity by failing to do so. Thus,

¹⁰ Punjab Judicial Academy, *Guidelines of Judgment Writing*, <https://pja.gov.pk/system/files/hbgjwj.pdf> accessed 9th April 2024.

a critical characteristic of a valid Judgment is its ability to justify the conclusions reached, providing reasoning that a disinterested reader would find convincing or at least reasonable. This prevents the Judgment from being labelled as arbitrary.¹¹

In essence, a valid Judgment should not leave the reader to speculate or imagine the reasoning behind it. Instead, it should present the rationale for the conclusions arrived at, ensuring transparency and accountability in the judicial process.

CONCLUSION

While it may be challenging to cover all the nuances of Judgment writing comprehensively in this single presentation, it is important to recognize that mastery of this art comes with experience and years of practice. However, I am confident that I have provided a solid foundation by addressing all the fundamental principles and techniques essential for crafting good and valid judgments.

Remember, proficiency in Judgment writing, like any other form of writing, can only be attained through consistent practice and dedication. Therefore, embrace every opportunity to refine your skills and hone your craft.

¹¹ Punjab Judicial Academy, *Guidelines of Judgment Writing*, <https://pja.gov.pk/system/files/hbgjwj.pdf> accessed 9th April 2024.

I extend my best wishes to each of you as you embark on your judicial career. May you find fulfilment and satisfaction in the noble pursuit of dispensing justice within the hallowed halls of our legal system.