**JUDGES CRAFT: THE ART AND PRACTICE OF JUDGING**

**A PAPER PRESENTED**

**BY**

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*“Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially.”*

Socrates[[1]](#footnote-1)

**1.0 Introduction**

The judiciary is a fundamental pillar of any legal system and its role within the Nigerian legal framework is particularly crucial. As the third arm of government, alongside the Executive and Legislature, the Judiciary is tasked with interpreting and applying the law. This responsibility is constitutionally established under Section 6 of the 1999 Constitution of the Federal Republic of Nigeria, which vests judicial powers in the Courts. [[2]](#footnote-2) Through this mandate, the judiciary serves as the primary mechanism for resolving disputes, protecting individual rights and enforcing laws. The judiciary safeguards the rule of law and maintains a balance of power between the branches of government.[[3]](#footnote-3) The position of a judge, as a judicial officer, is both unique and sacred in society.[[4]](#footnote-4) Only God is the judge of all but the judicial arm has been given this very onerous yet enviable task of judging men, their rights, relationships and properties.

As one who has navigated the hierarchies of judicial ladder in Nigeria, I feel honoured and humbled to be called upon to speak on this issue. I have no doubt that the exalted office of a judge has to retain its dignity and confidence to sustain our democratic values. This occasion and the topic could not have come at a better time than now. The paper aims to explore judicial craftsmanship highlighting its significance in the Nigerian legal system. It provides an analysis of the concept, focusing on its relevance in contemporary practice. The paper examines the essential skills needed by judges and addresses the challenges judges face in Nigeria. The paper concludes by offering recommendations for improving judicial craftsmanship in Nigeria.

**2.0 Definition and Origin of Judicial Crafts**

Judicial craft refers to the unique skill set and intellectual rigour that judges employ in decision-making. It involves the application of legal knowledge, interpretation of statutes, evaluation of evidence and the ability to render decisions that are clear, reasoned and just. Judicial craft goes beyond mere technical knowledge of the law; it involves the art of balancing conflicting interests, ensuring that justice is served and upholding the integrity of the judiciary. I agree with the writer Tamanaha,[[5]](#footnote-5) judicial craftsmanship includes the application of legal principles in a manner that is consistent with societal values, while maintaining the impartiality required for justice to prevail.[[6]](#footnote-6) This covers the judge’s ability to understand legal precedents, apply the law consistently, manage court proceedings effectively, write judgments that are both clear and legally sound. Judicial craftsmanship in my opinion also includes the comportment of a judge presiding over a matter, the capacity to handle egos and personalities parties and their counsel while handling cases and generally being in charge of proceedings with a view to serving justice at the end.

The origins of judicial craft in the common law system can be traced to the development of the English courts in the 12th century. Judges in England were tasked with resolving disputes in a way that adhered to common customs and norms. Over time, these decisions became binding precedents, giving rise to the doctrine of *stare decisis*—the principle that courts should follow previous rulings in similar cases.[[7]](#footnote-7) This principle remains a cornerstone of common law systems, including Nigeria’s legal system, where judges continue to develop the law through the decisions they render.

The role of judges in common law systems is one of significant influence, particularly in the way in which judges contribute in shaping the law through judicial precedents. In Nigeria, the historical role of judges has been deeply influenced by the country’s colonial past, as the common law principles inherited from Britain form the foundation of the current legal system. Over the years, Nigerian judges have had to adapt common law principles to Nigeria's unique legal and cultural context, particularly in areas such as customary law and human rights. This adaptation requires a high level of judicial craftsmanship, as judges must balance the need to uphold common law principles with the demands of justice in a pluralistic society like ours. While the role of a judge cannot be overstated, certain skills and qualities are essential for effectively carrying out this responsibility.

**3.0 The Core Skills of a Judge**

A judge's effectiveness and credibility hinges on his mastery of certain core skills. These skills are fundamental to the ability to interpret the law, make fair decisions and communicate those decisions effectively. These skills include:

**3.1 Legal Knowledge and Expertise**

It is important to state that a judge sitting qua judge must have a deep understanding of the law, precedents and legal principles as this is the bedrock of judicial competence. Judges must possess comprehensive knowledge of constitutional law, statutory interpretations, judicial precedents and procedural rules. This knowledge allows judges to adjudicate cases effectively, ensuring that their decisions are legally sound and grounded in established legal doctrines.

As a judge, you must be intellectually and socially vigilant as the society undergoes rapid development, laws evolve and new precedents emerge, particularly in areas such as technology law, intellectual property and human rights. Judges must navigate new legal challenges arising from digital transformation, including issues of jurisdiction in cybercrimes, e-commerce, and the protection of digital privacy rights. In light of these advancements, the importance of continued legal education cannot be overstated. It ensures that judges remain up-to-date with these developments, enabling them to deliver judgments that are informed by current legal standards and principles.

**3.2 Analytical Thinking**

This particular skill is chiefly needed by a judicial officer sitting as a judge in any cadre. Clearly, legal disputes often involve intricate and multifaceted facts that require careful analysis. Therefore, analytical thinking is a critical skill for judges. It enables a judge break down complex legal issues into manageable components, assess the facts and synthesize them with the applicable law.[[8]](#footnote-8) Judges must weigh evidence, determine the relevance of legal precedents and apply the law in a logical and consistent manner.

As a judge, always recognize that the hallmark of judicial analysis is the ability to identify key legal issues amidst a vast array of facts. This is especially important in Nigeria, where the legal system is shaped by multiple layers of law, including statutory law, common law and customary law. Judges are often required to synthesize these diverse sources of law to arrive at decisions that are both legally sound and culturally appropriate. Additionally, when the law is ambiguous, judges must employ their analytical skills to interpret it in ways that uphold the principles of justice and equity.

For judges in appellate courts, the synthesis of legal arguments and evidence is particularly critical. In reviewing lower court decisions, judges must analyze past judgments, comprehend legal reasoning, and apply it to new circumstances. This ability to engage in deep legal analysis is a defining feature of judicial craftsmanship. Judges with strong analytical skills are more likely to deliver judgments that are clear, coherent and persuasive.

**3.3 Communication Skills**

Effective communication is an essential tool for judges, particularly when delivering judgments and addressing courtrooms. A judge’s ability to write clear, well-reasoned judgments that are easily understood by both legal professionals and the public is a key aspect of their role. Judgments must be structured logically, with clear explanations of the facts, legal issues and the reasoning behind the decision.

Judges must also be able to communicate effectively in oral proceedings. Courtroom management, giving directions to counsel and addressing witnesses all require clear and authoritative communication. In Nigeria, where courtrooms can be highly charged environments, particularly in cases involving political or social controversies, judges must use their communication skills to maintain order and project an image of fairness and control. Clear communication in judgments is not just a matter of formality; it enhances the legitimacy of the judicial process. When judgments are well-reasoned and transparent, they are more likely to withstand scrutiny on appeal and be accepted by the public. In communication and writing judgment, I cannot but remember our dear My Lord Justice Kayode Eso JSC (RTD), My lord Justice Niki Tobi JSC(of Blessed memory) my lord Justice Ignatius Pat-Acholonu JSC (Of blessed memory) my Lord Justice Inyang Okoro JSC to mention but a few are credited with sometimes poetic rendition of judgment with profound communications which keeps the reader attentive and interested to read more. For instance, this beautiful rendition by my learned brother Okoro JSC*, Ofordike v. State*, where my lord captured the scene and beauty of the law in poetry as follows

***"In the instant case, although the PW1 stated that the appellant actually penetrated her, the appellant in Exhibit A said he was about to penetrate. The learned trial Judge gave him the benefit of the doubt in view of the fact that both PW1 in her testimony before the Court and in Exhibit A the confessional statement of the appellant, it is clearly shown that the appellant's penis could not attain erection immediately but had to be caressed by PW1 before it kick started like the old Moris Minor Lorry which had to be wound up as generator to start the engine. In the process, Gedu gave signal that "yawa don gas" meaning "alarm don blow". At that stage he put on his dress and joined Gedu to escape. Unfortunately for him, he was pursued and arrested. He joined Gedu to drag the PW1 into the bush, joined in tearing the lady's dress and pant, watched the environment for Gedu to rape the PW1 and thereafter "climbed" her only to experience low current. Had Gedu not signaled him of persons coming to the rescue of the PW1, the appellant could have completed the act of rape. He was, in my opinion properly convinced of attempt to commit rape. The court below was also right to affirm his conviction for attempted rape*."[[9]](#footnote-9)**

**3.4 Judicial Temperament**

Judicial temperament refers to a judge’s ability to remain calm, patient and composed in the face of pressure.[[10]](#footnote-10) It also involves demonstrating empathy and understanding of the social and human dimensions of the cases they adjudicate over. A judge with a balanced temperament is more likely to deliver fair judgments, as they are able to listen carefully to both sides, weigh arguments thoughtfully and make decisions that reflect both the letter of the law and its spirit thereof.

Judges must show sensitivity to the social dynamics of the cases before them, while still upholding the rule of law. Patience and empathy allow judges to better understand the needs and concerns of the parties. A good judicial temperament helps judges manage difficult or disruptive parties, maintain control of courtroom proceedings and handle emotionally charged cases with poise.

**3.5 Impartiality and Fairness**

Impartiality is one of the cornerstones of the judiciary as demonstrated in the blind folded lady justice which is the symbolism of the legal profession. Judges are expected to make decisions based on the law and facts, devoid of personal bias or external influence. The principle of neutrality ensures that all parties in a case are treated fairly and that justice is administered without favouritism or prejudice. Judges who approach their duties with an awareness of fairness tend to demonstrate certain traits: a focus on substance rather than formality, a dislike for rigid rules, a preference for broad principles, an understanding of the evolving nature of common law, and an acceptance of judicial discretion that is not constrained by unnecessary rules and precedents.[[11]](#footnote-11)

Judicial independence is closely tied to impartiality. Judges must be free from undue influence from the executive and legislative arms of government, as well as from private individuals and entities. This is particularly important in high-stakes cases, such as those involving electoral disputes or corruption charges. Section 17 of 1999 Constitution of the Federal Republic of Nigeria, guarantees the independence of the judiciary, underscoring its role as an unbiased arbiter of disputes. Judges must uphold this principle to ensure integrity of the legal system.

**3.6. Courage**

Closely related to fairness and impartiality is Courage. Courage is the quality of being ready and willing to face negative situation involving danger or pain. A judge must be ready and completely willing to do the right thing irrespective of the personality. Courage is built and courage is developed. It is extremely necessary for a judge to be courageous. Courage thrift within the space of independence as a judge requires to have allowance from influences which will allow the exhibition of courage.

**4.0 The Art versus the Science of Judging**

Judging is often described as both an art and a science. The scientific aspect of judging involves the systematic application of legal principles, rules of evidence and established precedents to the facts of a case. This approach ensures consistency and predictability in the legal system. Judges are expected to adhere to legal rules and follow a structured approach in analysing cases, which is crucial for maintaining the integrity and uniformity of the judicial process.

However, there is also an artistic dimension to judging that involves intuition, creativity and the application of personal judgment. Judges must navigate through ambiguities in the law, interpret statutes in light of current social realities and make decisions that resonate with broader societal values. The art of judging is in the way judges’ craft judgments that reflect not only the technical aspects of the law but also fairness, equity and the moral fabric of society. The balance between these two aspects—art and science—is what defines judicial craftsmanship. The decision-making process is at the heart of judicial craftsmanship. A judge’s ability to weigh facts, interpret the law and craft judgments that balance competing interests and uphold justice is crucial to the integrity of the judicial system. Judicial decisions shape not only the immediate outcomes for the parties involved but also contribute to the development of legal principles and societal standards. Therefore, decision-making is both an art and a science, requiring precision, fairness and a deep understanding of the law.

One of the core challenges in decision-making is the distinction between facts and the law.[[12]](#footnote-12) Judges must sift through evidence, witness testimonies and legal submissions to establish what happened (the facts) and then apply the relevant legal rules to those facts.[[13]](#footnote-13) This process requires a keen sense of discernment and analytical skill, as the factual matrix of a case often involves complexities that challenge the clarity of legal norms.

The multi-layered legal system in Nigeria further complicates the process of applying the law to facts. Judges must determine which body of law is applicable in each case and how it should be interpreted.

**4.1 Balancing Competing Interests and Rights**

In many cases, judges are required to balance competing interests and rights. This is particularly evident in civil litigation, where individual rights often conflict with broader societal interests or the rights of other individuals. For instance, in constitutional adjudication, Nigerian judges frequently face the challenge of balancing the right to free expression with the need to maintain public order and security. Similarly, in family law, judges may have to weigh the best interests of the child against the parental rights of custody and visitation.

Balancing these competing interests requires a nuanced understanding of the law and a deep sense of justice. Judges must take into account the broader implications of their rulings, to ensure that their decisions not only resolve the immediate dispute but also uphold societal values and legal consistency while also gaining the confidence and respect of the populace.

**4.2 The Use of Discretion in Judgment**

Judicial discretion is an essential component of the decision-making process. It allows judges to tailor their rulings to the specific circumstances of each case.[[14]](#footnote-14) Discretion comes into play when the law does not prescribe a clear outcome, giving the judge the latitude to interpret legal standards and apply them in ways that promote fairness and justice.

In Nigeria, judicial discretion is particularly important in areas like sentencing, where judges must balance the need for punishment with considerations of rehabilitation and deterrence. For example, in criminal cases involving minor offences, judges may exercise their discretion to impose non-custodial sentences, such as community service, in recognition of the defendant's personal circumstances and the broader societal interest in reducing prison overcrowding. However, the exercise of discretion must be carefully guided by legal principles to prevent arbitrary or inconsistent rulings. Judges are expected to provide clear reasons for their decisions, explaining how they have applied their discretion in line with the facts, the law and the principles of justice.

Judges must always bear in mind that judicial discretion is not unlimited and appellate courts play an important role in reviewing how lower courts exercise discretion. A decision may be overturned if it is found that the judge acted outside the bounds of reasonable discretion or failed to consider relevant factors. Thus, while discretion allows for flexibility in decision-making, it must be exercised judiciously and in accordance with established legal standards.

**4.3 Crafting Judgments capable of standing the Test of Time**

A judge’s legacy is often measured by the lasting impact of their judgments. Crafting judgments that stand the test of time involves more than simply resolving the immediate dispute; it requires careful reasoning, clarity and foresight. Judges must ensure that their rulings are not only legally sound but also adaptable to future developments in the law and society.

Crafting timeless judgments also requires judges to be aware of the broader context in which their decisions will be interpreted. In common law systems like Nigeria’s, where judicial precedents play a significant role, a well-crafted judgment can provide guidance to lower courts and future litigants on how the law should be applied.[[15]](#footnote-15) Moreover, the clarity of a judgment can influence its acceptance and implementation, both by the parties involved and by society at large.

To achieve this, judges must write in a manner that is clear, logical and accessible. A well-reasoned judgment should lay out the relevant facts, the applicable law and the reasoning behind the decision in a way that is easy to follow. This not only enhances the authority of the judgment but also reinforces the public’s confidence in the judicial process.

**5.0 Judicial Ethics and Integrity**

Judicial ethics and integrity are essential for maintaining a credible and trustworthy judicial system, as judges are responsible not only for resolving legal disputes but also for upholding public trust. Ethics go beyond mere adherence to rules; it entails personal integrity, fairness, impartiality and transparency in judgment. Ethical conduct by judges builds public confidence in the justice system, as judicial decisions impact individuals, businesses and society.

In Nigeria, judicial codes of ethics are prescribed in the Constitution of the Federal Republic of Nigeria and by the National Judicial Council (NJC).[[16]](#footnote-16) The Code of Conduct for Judicial Officers, mandates judicial officers to exhibit impartiality, integrity and diligence. Under the Code, complaints against judicial officers are categorized as "misconduct" complaints. Misconduct refers to unethical or improper behaviour.[[17]](#footnote-17) According to Black's Law Dictionary, misconduct is defined as a "dereliction of duty, unlawful or improper behaviour."[[18]](#footnote-18) The 1999 Constitution describes misconduct as a breach of the Oath of Allegiance or Oath of Office, a breach of the provisions of the Constitution, or conduct involving bribery, corruption, or false declaration of assets and liabilities.[[19]](#footnote-19) The Judicial Discipline Regulations further define misconduct as conduct prejudicial to the efficient and expeditious administration of the courts or any behaviour described as misconduct in the Constitution and the Code of Conduct for judicial officers of superior courts.[[20]](#footnote-20) The Code of Conduct for judicial officers considers misconduct as a violation of its rules or any misbehaviour, which may lead to disciplinary action.[[21]](#footnote-21)

Judges as members of the society are not immune from the temptation that confront them daily as they carry out the tasks of adjudication and determination of dispute.[[22]](#footnote-22) But as rightly stated the judiciary is the "last hope of the common man," and this underscores the need for unwavering integrity. In these days, that judges and the entire judiciary is fighting verbal and institutional attacks over decisions of courts and appointment, the panacea is located in the observance of ethics and demonstration of integrity in the discharge of our sacred duties.

**6.0 Challenges in the Art of Judging**

According to John Marshall “the Greatest scourge an angry Heaven ever inflicted upon an ungrateful and sinning people, was an ignorant, a corrupt, or a dependent Judiciary”.[[23]](#footnote-23) Judges are confronted daily with numerous challenges that test their ability to remain impartial and make sound legal decisions. These challenges include:

**6.1 External Pressures on Judicial Independence**

Judicial independence is essential for maintaining impartiality and fairness within the legal system. However, external pressures such as political interference, undue influence from powerful entities, and public opinion pose significant threats to this independence. When the judiciary is compromised by these forces, it loses its ability to protect individual rights and uphold the rule of law.

In Nigeria, political interference has been a persistent concern, particularly in politically sensitive cases where the judiciary is seen as vulnerable to pressure from the executive and legislative branches.[[24]](#footnote-24) Judges often face subtle pressures to align their rulings with the interests of political parties or the government, especially in matters involving government policies or high-profile political figures. There have been instances where the judiciary has been accused of giving decision in favour of government interests, raising concerns about its neutrality. Furthermore, social factors, such as cultural, religious and economic contexts may also influence judicial decisions, particularly in cases related to gender equality, human rights, and religious freedom.

Despite these challenges, judges must uphold the rule of law and resist external influences. Judicial officers must act with courage and conviction to ensure that their decisions are guided by legal principles not political or social pressures. This steadfast commitment to legal integrity reflects the essence of true judicial craftsmanship.

**6.2 Adapting to the Rapidly Changing Legal Environment**

Another significant challenge for judges is handling complex cases in an ever-evolving legal environment. The rapid pace of legal, technological and societal change requires judges to adapt quickly while maintaining their commitment to legal precedents and established principles. As new legal issues emerge, particularly in fields such as technology, intellectual property and international trade, judges must be equipped with the knowledge and analytical skills to deal with these complexities.

The emergence of complex cases involving technology and e-commerce has introduced novel legal questions that traditional legal frameworks may not adequately address. For instance, the rise of digital currencies, data privacy laws and cross-border e-commerce transactions has led to cases that challenge existing legal interpretations. Judges must interpret laws in ways that align with technological advancements, often without clear legislative guidance. This requires a deep understanding of not only the law but also the technical aspects of cases before them, which can be particularly challenging for judges who may not have specialized knowledge in these areas.

In the same vein, the growing influence of globalization has led to an increase in cases involving international legal disputes. Nigerian judges are increasingly required to interpret and apply international treaties, conventions and foreign laws in their decisions. This can be a daunting task, as judges must reconcile domestic legal principles with international norms, often in areas where there is little or no domestic jurisprudence.

Judges must also navigate the tension between adhering to legal precedents and adapting to new social realities. In some cases, established legal doctrines may no longer reflect contemporary societal values, requiring judges to either innovate within the law or defer to legislative changes. The challenge lies in striking a balance between legal consistency and the need to address emerging issues in a way that promotes justice and fairness.

**7.0 Enhancing Judicial Craftsmanship in Nigeria**

Judicial craftsmanship, the art and practice of judging, is pivotal to the integrity and effectiveness of the legal system. For Nigeria’s judiciary to remain a pillar of justice, it must continuously evolve, adapting to the complexities of modern society while maintaining the traditional virtues of fairness, impartiality and legal expertise. These could be achieved through:

**7.1 Regular Judicial Training and Workshops**

One of the most effective ways to enhance judicial craftsmanship is through ongoing training and professional development for judges. Judicial education is crucial for ensuring that judges remain updated on the latest legal developments, emerging jurisprudence and global trends in the administration of justice. It also serves as a platform for refining the skills necessary for the art of judging, including legal reasoning, judgment writing and case management. Training will help in bridging knowledge gaps, especially in areas such as technology law, international legal standards and human rights law.

Incorporating specialized judicial training on emerging fields such as cybercrime, e-commerce, and international arbitration would further enhance the judiciary's ability to handle modern legal challenges. Judicial education should not be static but should evolve in response to new legal realities and the dynamic nature of society. Continuous training equips judges with the tools needed to interpret and apply the law.

The National Judicial Institute has been instrumental in organizing regular training programs, seminars and workshops for judges at all levels. These programs offer judges the opportunity to discuss contemporary legal issues, exchange experiences and learn from best practices in other jurisdictions, therefore judges should make maximum use of these training sessions.

**7.2 Institutional Support for Judges**

Beyond training, institutional support is essential for judges to effectively carry out their duties. This includes adequate funding, access to legal resources and the provision of modern court facilities. Judicial independence is not only about protecting judges from external influence but also about providing the necessary institutional backing that allows them to function efficiently and with dignity. Without sufficient resources, the judiciary may struggle to maintain its independence and deliver timely justice. A well-equipped judiciary is the bedrock of a sound and functional legal system.[[25]](#footnote-25) Enhancing the infrastructure and resources available to judges ensures that they can fully engage in the craft of judging without being hindered by operational constraints. For instance, in most of the Courts, the chairs are dilapidated, no tables for lawyers to keep files and books, judges, lawyers and clients are sweating etc ,. These do not enhance judicial functionality.

**7.3 Leveraging Technology in Modern Judicial Practice**

The integration of technology into judicial practice is increasingly becoming a necessity. Technological advancements offer significant opportunities to improve the efficiency, transparency and accessibility of the judiciary. In Nigeria, the use of technology in the judicial system has gained momentum, particularly in the wake of the COVID-19 pandemic, which highlighted the need for courts to adopt remote hearing technologies and digital case management systems.

Leveraging technology in judicial practice enhances judicial craftsmanship by streamlining processes and providing judges with tools to manage cases more effectively. For instance, the implementation of an electronic filing system (e-filing) will reduce delays associated with manual paperwork and allow for real-time tracking of cases. Additionally, virtual courtrooms and video conferencing enable courts to hear cases remotely, overcoming geographical barriers and ensuring the continuity of justice delivery even during crises.

Technology also plays a crucial role in enhancing legal research and decision-making. Digital databases provide judges with instant access to legal precedents, statutes and academic commentaries, allowing them to make more informed decisions. However, the adoption of technology in Nigeria's judiciary has been uneven, with some courts lacking the necessary infrastructure or expertise to fully benefit from digital tools. To address this, the Nigerian judiciary needs a concerted effort to invest in modernizing court systems and training judges in the use of technology.

**8.0 Conclusion**

In conclusion, judicial craftsmanship is fundamental to ensuring justice, fairness and the rule of law in Nigeria. This paper has examined the complexities of judging, from the essential skills required for sound decision-making to the ethical dilemmas and external pressures that can challenge judicial independence. It has also underscored the importance of judicial ethics and integrity in maintaining public trust in the judiciary.

A key takeaway is the need for continuous judicial training and legal education to uphold high standards of judicial performance. Regular workshops, such as those organized by the National Judicial Institute, are crucial for refining judicial skills and addressing emerging legal challenges. Judges must remain committed to learning and adapting, particularly in areas such as technology, human rights and international law.

Institutional support is equally vital for safeguarding judicial independence and enabling judges to perform their duties effectively. Adequate funding, access to modern legal resources, and well-equipped courtrooms are necessary to ensure that judges can deliver quality judgments free from external influence. Without these, the integrity of the judiciary and public confidence may be compromised.

The integration of technology into judicial processes is another essential factor for enhancing judicial practice. With the increasing complexity of cases and the growing demand for efficiency, technology can improve case management, legal research and virtual hearings. Judges must embrace these innovations to remain effective in the digital age.

In sum, the role of judges in delivering justice and fairness cannot be overstated. As society evolves, judicial practice must evolve with it, and this requires a concerted effort to enhance judicial craftsmanship through training, institutional backing and technological integration. By doing so, the judiciary in Nigeria can continue to uphold the rule of law and serve as a trusted arbiter of justice for all citizens.

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