

JUDGMENT WRITING: PRINCIPLES, PRACTICE, AND PROCEDURE

A PAPER PRESENTED

BY

**HON. JUSTICE Y. R. PINHEIRO
HIGH COURT OF LAGOS STATE**

**AT THE INDUCTION COURSE FOR NEWLY APPOINTED JUDGES OF
THE LOWER COURTS (MAGISTRATES, JUDGES OF THE SHARIA,
AREA, AND CUSTOMARY COURTS) -BATCH B**

DELIVERED ON TUESDAY, THE 10TH OF SEPTEMBER, 2024

AT

**ANDREWS OTUTU OBASEKI AUDITORIUM, NATIONAL JUDICIAL
INSTITUTE, ABUJA**

Introduction:

"Judges do not speak, as do actors, to please. They do not speak, as do advocates, to persuade. They do not speak, as do historians, to recount the past. They speak to give Judgment. And in their judgments, you will find passages, which are worthy to rank with the greatest literature..."¹

In the solemn duty of rendering justice, where each word carries the weight of law and consequence, the art of judgment writing emerges as a cornerstone of the judiciary. A judgment is more than a mere decision; it is the voice of the court, where justice transforms from an abstract ideal into a concrete reality, and where the wisdom of the judiciary is inscribed for posterity.

I am therefore both honoured and privileged to have this opportunity to share my thoughts on this noble craft with such a distinguished gathering of newly appointed judges of the lower Court. 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 Kudirat Kekere-Ekun, GCON** and also to the Administrator of the Institute, **Hon. Justice Salisu Garba Abdullahi** for the invitation extended to me. This is not merely a reflection on legal principles but a journey into the very essence of our judicial responsibilities. For within every judgment, there lies a narrative—a narrative of law, equity, and the relentless pursuit of justice.

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

This paper will explore the intricacies of judgment writing within the Nigerian legal landscape, exploring the timeless traditions and precedents that guide us while embracing the evolving practices of modern judicial administration. Together, we will examine the principles that define us, the methods that shape us, and the procedures that ensure our judgments serve as beacons of fairness and integrity.

It is my hope that the insights shared in this paper will inspire a deeper dedication and passion for the craft of judgment writing—a craft that demands clarity, fairness, and, above all, a steadfast commitment to ensuring that justice is not only done but is seen to be done.

¹ Lord Denning, *The Family Story*,

Purpose of Judgment Writing:

It has been said that when the purpose of a thing is not known, abuse is inevitable.² The relevant questions at this point are what is a judgment? and what is its purpose/importance? The answer to these queries will help provide a framework for other points in this paper.

What is a Judgment?

A Judgment in the context of my presentation has simply been described as a formal decision given by a Court.³ It has also been defined as the final decision by a court in a lawsuit, criminal prosecution, or appeal.⁴ It was also defined as a final finding, statement, or ruling, based on a considered weighing of evidence called, 'adjudication'.⁵ It is a thoughtful resolution of disputes, grounded in reasoned analysis and legal principles.⁶

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.⁷

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

² Myles Munroe, Understanding the Purpose and Power of Woman.

³ [Judgment Definition & Meaning - Merriam-Webster](#)

⁴ [Judgment legal definition of Judgment \(thefreedictionary.com\)](#)

⁵ [Judgement - Wikipedia](#)

⁶ Punjab Judicial Academy, *Guidelines of Judgment Writing*, <https://pja.gov.pk/system/files/hbgjwi.pdf> accessed 9th April, 2024.

⁷ Genesis 3: 16-19; Al-A'raf 7:19-25

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.

What is the Purpose/Importance of a 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, we must 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.”

Principles for Judgment Writing:

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. However, for the skill to be worth the while, it must be utilized with knowledge of the relevant principles governing judgment writing in order to prevent a waste of effort. Let us now discuss some of these principles.

1. Constitutional/ Statutory Basis of a Judgment:

Of course, the constitution as the grundnorm upon which all other laws derives its validity must be the first recourse on the principles governing judgment writing. To begin with, the Constitution provides the framework for the jurisdiction of the Court. Take for instance with respect to the Sharia Court of Appeal, **section 277 of the 1999 Constitution** spells out the instances in which the Court will have jurisdiction to determine any matter. Thus, the determination of any question outside the four walls of what is constitutionally provided will render any judgment containing the determination void. Same goes for every other court as the courts are products of the Constitution either directly or by virtue of laws made pursuant to the Constitution.

Another constitutional provision worthy of note is **section 36 of the 1999 Constitution**. Section 36(1) guarantees the right of every person to a fair hearing. This in essence entails that a judgment must demonstrate that all the parties were afforded an opportunity to be heard and that the evidence adduced by them or any issue raised by either of parties were duly considered before the determination of any issue in the judgment.

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)**. It must be emphasized that open court has been interpreted from the standpoint of accessibility to members of the public and liberally to also accommodate virtual proceedings subject to the guidelines and policies put in place by the National Judicial Council and the various rules of court for same.

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)**).

2. Judgment must not contain a decision on an issue not argued before the Court: In the case of **FIRS v A.G Lagos State (2022) LPELR-58021(CA)**, the Appellate Court admonished for our guidance as follows;

“In our adversarial system of adjudication, Courts should be reluctant or loath to raise issues suo motu. This is because the litigation is not theirs but that of the parties. If a Court raises an issue suo motu it has removed itself from its exalted position to flirt with the parties and in the course get itself soiled in the litigation. This does not mean that a Court of law is totally inhibited from raising issues suo motu. It can and in relevant circumstances... There could be a situation where the case cannot be determined one way or the other without resolving the issue. In such a situation, a Court is competent to raise it to enable it determine the case. Though Court has the jurisdiction to raise an issue suo motu, it has not the jurisdiction to resolve the issue suo motu. The Court must give an opportunity to the parties to react to the issue by way of address. On no account should a Court of law raise an issue suo motu and resolve it suo motu.”

3. A Judgment cannot be based on speculation but on evidence adduced based on the facts pleaded. In the case of **Ivienagbor v Bazuaye & Anor**

(1999) LPELR-1562(SC), per Uwaifo JSC (as he then was) admonished that;

"A court cannot decide issues on speculation, no matter how close what it relies on may seem to be on the facts. Speculation is not an aspect of inference that may be drawn from facts that are laid before the court. Inference is a reasonable deduction from facts whereas speculation is a mere variant of imaginative guess which, even when it appears plausible, should never be allowed by a court of law to fill any hiatus in the evidence before it"

4. A Judgment should not award more than what is claimed by a party. See the cases of **Nitel v Ikpi (2007) LPELR-4617(CA)** and **Okafor & Anor v Ejiogu (2011) LPELR-3923(CA)**.
5. The conclusion in a judgment must be clear, specific, unambiguous and capable of easy digestion. This point cannot be over-emphasized. Remember CARE. See the cases of **GTB Plc v Demrowl Int'l Co. Ltd (2023) LPELR- 61458 (CA)**, **Yep v. Samuel [2020] 16 NWLR (Pt. 1750) 193 at 214** and **CBN v Maggpiy Trading TFZE & Ors (2022) LPELR-57531(CA)**.

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.⁸ It was also referred to as a Judgment that meets the justice of the case as presented to the Court by the parties, satisfying all necessary legal requirements.⁹

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

⁸ 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.)

⁹ 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.

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.

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) **A**pplication of the Law to the Facts presented in Court;
- (3) **C**larity of thoughts of the Judge writing the Judgment;
- (4) **C**onsideration and **E**valuation of the Facts as presented in Court; and
- (5) **A** Decision.

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.

Practice and Procedure of Judgment Writing:

It has been long settled that there is no standard format for judgment writing. Every court has its own style. Provided that the essential features of a judgment in terms of content are present in a judgment, there is no constitutional or statutory prescription as to how a judgment should be written. See: **Obaje v NAMA (2023) LPELR-61645(SC)** and **Edun v NERDC (2022) LPELR-58029(CA)**.

Be that as it may, having **CARE** and **PACED** in mind, a judge must develop his own style of writing that would guarantee that his thoughts in the judgment are clear and that the essential features of a valid judgment are present. In this regard, we are not left without a guide. In **OREH v. STATE (2017) LPELR-CA/B/30C/2006**, **Adumein JCA** 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, please permit me to once again suggest another acronym which I have devised: **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.

As a trial Court judge, it would appear that the structure suggested by Aniagolu JSC which still accords with CLAIMS or FIVES in a way would be a preferable structure and will also help achieved CARE. I would like to expantiate on some constituent parts of the structure as we consider the prose and logic of a judgment.

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 Writing¹⁰, 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

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

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 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.¹¹

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 maintain a judicial tone, characterized by sobriety, moderation, and restraint.¹²

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.

It is of vital importance to also note that 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. A judgment is not supposed to be a long or boring write up. Let me demonstrate this a bit.

A judgment right from the introduction should show the judge's understanding of the case about to be decided and educate any person that come in contact

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

¹² Punjab Judicial Academy, *Guidelines of Judgment Writing*, <https://pja.gov.pk/system/files/hbgjwj.pdf> accessed 9th April 2024.

with it of the nature of the claims whilst invoking an interest to read further to see how the case was determined. Whilst I acknowledge as earlier explained that each judge is entitled to develop his own style, let me show you an example of the introduction of two judgments that I find quite captivating. One is foreign whilst the other is Nigerian. Let's start with the foreign one. In a claim for specific performance on a contract, this was how Brightman J in the case of **Langen & Wind Ltd v Bell**¹³ introduced his judgment;

“The summons before me raises a short but not altogether easy point and one that in the experience of counsel before me seems to be without any direct guidance from the authorities. The action is a purchaser’s action for specific performance of an agreement for the sale of shares. Under the terms of the contract it is not possible to calculate the exact purchase price until at earliest the second half of 1972. The plaintiffs seek an order for specific performance under which the defendant will be required to transfer the shares into the unincumbered ownership of the purchasers forthwith. The defendant objects to parting with the shares until he has been paid.”

From this introduction, our interest has been aroused to know what follows and how a determination will be reached. It is also to be observed that he did not start out by setting out paragraphs of the claim as stated by any of the parties but demonstrates his own immediate understanding of not only the case but the issue in controversy. Now let us also consider one of our very own. I heard he is referred to as the wordsmith. In the case of **Federal Housing Authority v Olayemi**¹⁴, this is how Ogakwu, JCA introduced the judgment;

“The Second World Africa Festival of Arts and Culture was hosted by Nigeria in 1977. It was popularly known by the acronym FESTAC 77. One of the legacies of the said FESTAC 77 is the National Theatre, Iganmu, Lagos. It was constructed in 1976 to host FESTAC 77 and it is today the primary centre for performing Arts in Nigeria. Another legacy of FESTAC 77 is the Festival Town or FESTAC Village which was the housing estate built to accommodate the visitors and workers at the FESTAC 77. After the festival, the houses were allocated to the people who won them after a ballot exercise (Source: *Wikipedia, Wikimedia Foundation*). The Festival Town or FESTAC Village is what is

¹³ (1972) 1 All ER 296 at 297.

¹⁴ (2017) LPELR-43376(CA)

today known as FESTAC Town in Lagos. This appeal is not about the National Theatre. It is about the extent of the expanse of Land acquired by the Government for the construction of FESTAC Town.”

Although, His Lordship was very poetic in his prose, you will agree with me that this introduction already sets the tone for what is to follow and shows a perfect understanding of the case by the learned jurist. His Lordship did not just follow a copycat module of reproducing the pleadings of the parties at the introduction. He stated his own understanding of the case as being in relation to the extent of the expanse of land acquired. This shows His Lordship has read and understood the case presented by the parties hence the choice of his own words to demonstrate same. You cannot do this if you have not read and properly understood your files.

This approach has been recommended by Oguntade, JSC (as he then was) in the case of **Omotola & 4 Ors v State**¹⁵ thus;

“...It is in my humble view a good approach to preface the consideration of issues with an explanation of the matters which led to the occurrence or dispute over which the Court is called upon to adjudicate. This enables a reader of the Judgment to understand the issues as discussed later in the judgment. A Judgment may appear abstract and unintelligible to a reader who had not previously known the antecedents of a matter being considered. An exposition of the background facts leading to a dispute ought not to harm the case of any of the parties unless the Court in such an exposition demonstrates an acceptance or rejection of the Defence or the prosecution’s case.”

It cannot be overemphasized that the prose and presentation of the judgment is equally as important as the substance of the judgment. A badly worded judgment will not only lose the attention of the reader but may rob the judgment of the efficacy of the substance. Developing a style that is expressive, captivating and at the same time full of substance is not optional but necessary.

Another point I must emphasize is that a judgment need not be lengthy to achieve CARE or put differently to constitute a good judgment. In fact brevity in judgment writing is commendable provided earlier emphasized that the constituents part of a valid judgment are in place. This point was stated by

¹⁵ (2009) 2-3 S.C (Pt.II) 196 at 707-709, paras. 5-10.

their LawLords of the Appellate Court in the case of **Unanowo v Union Bank**¹⁶, thus;

"....The quality and correctness of a judgment is never the function of or dependent on its verbosity or length. Admittedly, the judgment of the Court below was brief and short, but it was indeed long enough to cover a proper evaluation of the evidence before it and arriving at the correct finding that the Appellant did not make out his claim to title to the property in dispute. The Court below having arrived at this correct finding on a proper evaluation of the totality of the evidence led by the parties before it, notwithstanding the brevity of the judgment, this Court cannot interfere to disturb the correct findings of the Court below."

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, 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.¹⁷

A good reasoning process must start with an evaluation of the evidence adduced. In this regard, the Apex Court has left us with a useful guide in the notorious case of **Mogaji v Odofin**¹⁸, where it was recommended thus

“ in deciding whether a certain set of facts given in evidence by one party in a civil case before a Court in which both parties appear is preferable to another set of facts given in evidence by the other party, the trial judge, after a summary of all facts, must put the two set of facts on an imaginary

¹⁶ (2018) LPELR-47307(CA)

¹⁷ Punjab Judicial Academy, *Guidelines of Judgment Writing*, <https://pja.gov.pk/system/files/hbgjwj.pdf> accessed 9th April 2024.

¹⁸ (1978) 4 S.C (Reprint) 53.

scale, weigh one against the other, then decide on the preponderance of credible evidence which weighs more, accept it in preference to the other and then apply the appropriate law to it... in short, before a judge before 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 put the totality of the evidence adduced by both parties on that imaginary scale; he will put the evidence adduced by the plaintiff on one side of the scale and that of the Defendant on the other side and weigh them together. He will then see which is heavier not by the number of witnesses called by each party but by the quality or the 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.”

Clearly, where this guide is followed carefully, the result will be sound reasoning which any reasonable man seised of the judgment and the records will find to meet the ends of justice.

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.

Judgment in Criminal Matters:

A useful guide on judgment writing and the procedure in criminal matters has been given by His Lordship, Oputa, J.S.C (of blessed memory) in the case of *Stephen v The State*;¹⁹

“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.

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. But if the plea is not guilty (as it is bound to be in murder trials) then all the constituent elements of the offence or offences charged are put in issue.

¹⁹ (1986) LPELR-3117(SC).

And the onus lies heavily on the prosecution to prove the offence charged beyond reasonable doubt.

Stage 2: When issues are thus joined, evidence is led in proof or disproof of each issue. At this stage the duty of the trial Court is merely to record the evidenced led and observe the demeanour of the witnesses called by either party.

Stage 3: This is the most important and crucial stage as it deals with the perception of facts, evaluation of facts belief or disbelief of witnesses and findings and conclusions based on the evidence accepted by the trial Court. At this stage, the trial Court will briefly summarise the case of either party. This does not mean reproducing verbatim the evidence of the prosecution witnesses and of defence witnesses one by one but it does mean using such evidence to tell a coherent and connected story. Having done this, the trial Court will then decide which story to believe. Here it is important to emphasise that the over-worked expressions "I believe" or "I do not believe" have no intrinsic magic power or potency. There is nothing wrong in believing one side and disbelieving the other if either the belief of the evidence and the probabilities which on the totality of that evidence it is natural to expect.

Stage 4: Having exercised his prerogative to believe or disbelieve, having made his findings of fact the trial Court will then draw the necessary inference or conclusion from the facts as found.

Finally the trial Court would then discuss the applicable law against the background of the facts as found. Any judgment that follows the above pattern or something similar to it will be of invaluable help to the Courts of Appeal as well as to the parties to the appeal. One would only wish that our trial Courts do approach the difficult task of writing judgment in some methodical and orderly fashion.”

This elaborate guide says it all and I have nothing else to add to it.

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. Also remember that you must CARE and PACED in mind and adopt an expressive style that incorporates CLAIMS.

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.

Thank you.