

JUDGMENT WRITING PROGRAM

Outline of the program

The Program will take place over 2 days in September 2008. The combination of lectures and small group work, in which participants apply principles from the lectures in revising their own writing, ensures comprehension of concepts and retention of skills. Participants redraft one of their judgments and discuss the redrafts in small groups led by judicial officers experienced in facilitating judgment writing programs

Some of the issues covered in lectures during the program are:

- Who is the 'audience' for my decision ? What considerations should be taken into account in structuring a judgment ? Building a judgment: logical sequence from introduction to issues to conclusion; identifying the issues, how structure can make writing easier and help avoid errors in reasoning;
- patterns of analysis appropriate for various kinds of issues: questions of law, questions of fact, application of standards, distinguishing precedents;
- What 'style' do I apply in my writing ? What other styles are open ? flow: avoid making the reader re-read earlier parts of the judgment; variation in length of sentences; what principles can be followed in deciding whether to include or exclude material ? shorter judgments; editing;
- what is the basis for traditional judgment writing approaches in Australia ? Are there legal or other impediments to departing from tradition in the way judgments are written ?

The program is open to all judicial officers and Tribunal members in Tasmania.

Purpose of the program

Judicial officers rarely have the opportunity to reflect on their approaches to writing judgments. Their experience prior to appointment often does not train them how to write judgments. After appointment the opportunity for obtaining feedback from colleagues and others is limited.

This program provides the opportunity for judicial officers to reflect on issues such as:

- the relationship between the act of writing and the analysis of a case;
- whether particular ways of structuring a judgment promote:
 - comprehension in the reader;
 - the analytical process of the writer;
- the principles that might be followed in deciding whether to include or exclude material;
- the 'style' that a judicial officer applies in his or her writing;
- the 'audiences' for a judgment;
- how judicial officers can use their time effectively in preparing for and writing judgments;
- what judicial officers can learn about these issues from professional writers.

The intent of the course is not to advocate a rigid style of judgment writing but to assist each participant to review his or her work with a new and more critical eye.



NATIONAL
JUDICIAL
COLLEGE
of Australia

Judgment Writing Program

Hobart

5 and 6 September 2008

