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Judiciary

Judges, Magistrates and Law researchers receive training from law experts

A two-day judgment writing training for judges took place in the auditorium at Palais de Justice on 16 and 17 April, 2018. The training undertaken by Dame Lind Dobbs, Director of training at the Judicial Institute for Africa (JIFA) and Professor Penelope Andrews, Dean at the Faculty of Law at the University of Cape Town are meant to enhance the skills of judges to craft and deliver judgments.

by C. Ouma

“The session is meant to professionally develop the judges, magistrates, and researchers specifically on judicial decision writing,” said Prof. Penelope Andrews.

According to Dame Linda Dobbs, “The main objective of the training is so that the judges can be able to produce judgments which are clear, accessible to all (not just the parties involved in a case, lawyers and the public) but to the media and the public. The decisions made by the judges should be clear with reasons given so that people can understand the process the judges have gone through and the evaluation of the evidence they have had upon the law while coming to their decision and judgments,” explained Linda Dobbs.

Dame Linda Dobbs who has practiced law in various places,

for example USA, Canada and Australia and has a special interest in judicial opinion writing, reiterated that the training will help them be more efficient in work preparations and procedures because judges all over the world, especially in Africa, work under pressure because the case loads are enormous and so they have to turn around decisions and cases as quickly as they can.

Prof. Andrews said that in a conversation with the judges, they discovered that judges in Seychelles face similar concerns as judges around the world, like time management.

“They have limited time to deal with the case law and write judgments. This is a major concern for judges everywhere. From the conversations with the judges we realized that in Seychelles there are no clerks to work for individual judges, who I think would be a good boost to the judges,” highlighted



Prof. Penelope Andrews (left) and Dame Linda Dobbs conducted the training

the Professor. Due to the different areas of law that the judges have to consider while writing the judgments, the two experts in law said that it is

important that the lawyers cooperate with the judges by handing submissions, skeleton arguments or outlines and properly reasoned documentation to the judges on

time so that the judges can know what the case is all about and try the case quickly. They suggested that lawyers should be trained as well in case management to help solve the problem of time management and it would be helpful to both new and experienced lawyers.

According to Prof. Andrews, precedence provides a symbol of continuity and certainty to some extent because the past questions that come before the courts may have been decided, so it's not arbitrary; but the document of the precedence gives a template and some history. However, she noted that it may not always be fair or appropriate due to the social changes experienced around the world and this shows that the law needs to change as well. It also may curv the inclination of some judges to overturn precedence.

“When I was sitting some years back, I tried a murder to two de-

fendants. It was a criminal so we had a jury and I gave standard direction/which is accepted direction on joint als on murder. The case we the Supreme Court and the preme Court decided that fi years plus, the direction t had given, which was actual great direction in law was w so they overturned that deci reiterated Dame Dobbs.

The two experts said they impressed by the level of est and enthusiasm shown l judges and magistrates ton the training.

“The fact that the Chief J has attended the two day tra together with the judges, j magistrates and researche very encouraging and show there is no hierarchy. In ma rtsdictions we have traine groups do not train togetl norm that does not make s concluded the experts.