

Report from a seminar (conference) on Judgment writing in Manchester 19-20 June 2014

The seminar was arranged by the Association of European Administrative Judges (AEAJ) in cooperation with the United Kingdom Association of Women Judges and had the title “Judgment writing: Challenges and comparisons in contemporary Europe”.

In addition to judges from United Kingdom judges from Austria, Greece, Finland and Sweden were present. The seminar started on the Thursday afternoon with an AEAJ working-group meeting, chaired by Senior Judge of Appeal Annika Sandström, Sweden. The participants described the work with judgment writing at their respective courts, and the kind of problems that arise according to working methods and writing traditions. The Swedish judge Cecilia Nermark Torgils gave a report on a comparative study of judgment writing in administrative courts and general courts in Sweden. She also described the working methods in the Supreme Administrative Court where she works as a Judge referee.

The seminar on Friday started with a speech on the characteristics of a well written judgment. Mr Justice Bernard McCloskey, President of the UK Upper Tribunal, Immigration and Asylum Chamber, gave a speech “Reserve thy judgment – the Judge in a Common Law System”. (*See also the speech on the AEAJ web site*). Annika Sandström talked about the Swedish government’s decision to set up a Commission of inquiry with the task to undertake a review of how communication between courts of law and citizens works, with regard to –among other things – the formulation of judgments and decisions in a speech entitled “Judgment Writing from the Citizen’s Perspective”. Then Judge Mark Ockleton, Vice-President of the UK Upper Tribunal, Immigration and Asylum Chamber described how a major reform of immigration and asylum courts has affected the judgments from these courts. The manner in which judgments in the immigration and asylum courts are written is influenced by frequent changes of the legislation, the “young” status of the courts, the volume of cases, the informal procedure and the fact that the individual parties concerned always are the counterpart to the Crown. Among other proposals Mark Ockleton recommended that you write for the party that loses the case rather than for the court of appeal. He also underlined the importance of bringing out the most important contents in a judgement in the beginning of a judgment, with reference *inter alia* to the media who does not always read a judgment to the end.

Judge referee Hannele Klemettinen, Finland, described the judgment writing methods at the Supreme Administrative Court in Finland. The item of the programme concerning the conditions in France was cancelled, unfortunately, due to heavy work-load for the speaker.

The seminar ended with a group discussion. One question was training in judgment writing for judges. Is there such a training in the different countries? Is it possible to acquire such knowledge through training? If so, how do you elaborate such a training? There were no unambiguous answers but the discussion was interesting and gave the participants something to think about.

The participants were also invited to two of the courts in Manchester – the court for immigration and asylum cases and the (very large) court for Family and Civil matters.