



Writing Better Judgements

The Hon. Tom F Bathurst AC

Chief Justice of New South Wales

Formulating reasons for judgment, whether for oral or written delivery, is the routine work of the many and varied tribunals throughout Australasia. Tribunal members face enormous pressure in balancing efficiency and informality with the fairness that must be afforded to parties by setting out sufficient reasons. This session addresses key principles that should be kept in mind when formulating reasons, including resolving the dispute at hand, avoiding the pull of self-indulgence, and communicating with clarity. Considered in the context of both written reasons and those delivered orally, it will cover issues such as the appropriate audiences for judgments and how to write for them, balancing between being legally meticulous and being succinct, the question of humour, and dealing with difficult parties. Practical suggestions will be offered on organising a judgment, prioritisation, and methods of managing time to deliver judgments quickly. The session will also address techniques in delivering oral reasons which deal adequately with the matters in issue. Finally, the importance of crafting reasons that are understandable to the parties is addressed. This is a topic of considerable importance in the context of tribunals, given the varieties of parties and representatives who appear before tribunal members. It is also of importance in upholding the principles of open justice and accountability, and maintaining public confidence in public dispute resolution bodies.