

JUDICIAL DECISION-MAKING AND SOCIAL JUSTICE

I INTRODUCTION

The judiciary's collective reputation for impartiality and independence is vital in maintaining the perceived legitimacy of judges' decisions. According to Sir Owen Dixon, this necessitates judges to accept that they should exercise their power via the techniques of legal reasoning.¹ Despite the general consensus on the importance of judicial independence, particularly from executive interference, there has been increasing criticism aimed at the extent to which judges consider issues relating to social justice in the decision-making process. In the words of the UN,

Social justice is about equality and fairness between human beings ... We advance social justice when we remove barriers that people face because of gender, age, race, ethnicity, religion, culture or disability.²

This essay argues that although legalism may lead to social injustice, the High Court should not supersede its constitutional mandate by treating the Constitution as an instrument for promoting social justice. Although the Court can refer to and provide advice for other action to be taken to break down barriers to fairness, such considerations should not influence its ultimate decision. On the other hand, the High Court does, and should, have the ability to develop the common law to reflect social justice and change.

1 Sir Owen Dixon, 'Address upon Taking the Oath of Office in Sydney as Chief Justice of the High Court of Australia on 21st April, 1952' in Judge S Wolynski (ed), *Jesting Pilate and other Papers and Addresses* (Lawbook, 1965) 245, 247.

2 United Nations, *World Day of Social Justice* (20 February 2014) <<http://www.un.org/en/events/socialjusticeday/>>.

Federal Judicial Decision Style Manual

Wenbin Ji



Federal Judicial Decision Style Manual:

The Supreme Court's Style Guide United States. Office of the Reporter of Decisions, Offi Supreme Court of the United States, 2016 More than the Supreme Court's Bluebook The Supreme Court's Style Guide contains the style preferences of the Supreme Court used by its Reporter of Decisions when preparing the Court's official opinions and the published United States Reports This guide has never before been made available to the public Essential for any judge court or attorney the Supreme Court's Style Guide is destined to become the authority in legal style *Judicial Writing Manual*, 1991 Judicial Writing Manual Federal Judicial Center, 2013-09-03 Judicial Writing Manual A Pocket Guide for Judges Second Edition Federal Judicial Center The link between courts and the public is the written word With rare exceptions it is through judicial opinions that courts communicate with litigants lawyers other courts and the community Whatever the court's statutory and constitutional status the written word in the end is the source and the measure of the court's authority It is therefore not enough that a decision be correct it must also be fair and reasonable and readily understood The burden of the judicial opinion is to explain and to persuade and to satisfy the world that the decision is principled and sound What the court says and how it says it is as important as what the court decides It is important to the reader But it is also important to the author because in the writing lies the test of the thinking that underlies it Good writing Ambrose Bierce said essentially is clear thinking made visible Ambrose Bierce *Write It Right* 6 rev ed 1986 To serve the cause of good opinion writing the Federal Judicial Center has prepared this manual It is not held out as an authoritative pronouncement on good writing a subject on which the literature abounds Rather it distills the experience and reflects the views of a group of experienced judges vetted by a distinguished board of editors No one of them would approach the task of writing an opinion or describe the process precisely as any of the others would Yet though this is a highly personal endeavor some generally accepted principles of good opinion writing emerge and they are the subject of this manual We hope that judges and their law clerks will find this manual helpful and that it will advance the cause for which it has been prepared William W Schwarzer Director Emeritus Federal Judicial Center *California Style Manual* Robert E. Formichi, 1977 **Judicial Writing** Chinua Asuzu, 2016-05-04 To validate their institutional continuance as a branch of government writes Chinua Asuzu judges must make sound decisions They must also articulate and express those decisions efficiently and comprehensibly This book shows how This book will help judges arbitrators and other decision writers master the art and science of judicial writing A most welcome guide *Judicial Writing A Benchmark for the Bench* sets a high yet attainable standard of excellence for writing judicial decisions It will no doubt become the reference point for judging judges and their judgments Chinua Asuzu is that uncommon lawyer who wrote *The Uncommon Law of Learned Writing* His other works include *Anatomy of a Brief* and *Fair Hearing in Nigeria* A versatile arbitrator Asuzu served as an administrative law judge at the Tax Appeal Tribunal in Nigeria from 2010 to 2016 He is now the Senior Partner of Assizes Lawfirm a team of tax lawyers A Catalogue of the Law Collection at New York

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Williams,2022-08-23 This volume offers insights into the ways in which plain language has influenced the language of the law in the United Kingdom critically reflecting on its historical development and future directions The book opens with an overview of the theoretical frameworks underpinning plain language and a brief history of plain language initiatives as a foundation from which to outline ongoing debates on the opportunities and challenges of using plain language in the legal domain The volume details strands where plain language has had considerable impact thus far on legal English in the UK notably in legislative drafting but it also explores areas in which plain language has made fewer inroads such as the language of court judgments and that of online terms and conditions The book looks ahead to unpack highly topical areas within the plain language debate including the question of design and visualisation and the ramifications of digitalisation contributing to ongoing conversations on the importance of plain language both in the UK and beyond This book will be of particular interest to students and scholars interested in the intersection of language and the law as well as related disciplinary areas such as applied linguistics and English for Specific Purposes Reader's Guide to American History Peter J. Parish,2013-06-17

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