

Attributes of a Good Judgment.

A judgment may be defined, said Lord Macmillan, as a reasoned pronouncement by a Judge on a disputed legal question which has been argued before him. It is a literary composition, but a composition subject to certain conventions. It possesses its own characteristics and its own standards of merit. The art of composing judgments is not taught; it is acquired by practice and by study of the models provided in the innumerable volumes of the law reports in which are recorded the achievements of past masters of the art.

The style of any composition is necessarily dominated by its purpose. Work of imagination, such as a poem or a romance, aims at enthralling the reader by its appeal to the aesthetic and emotional side of his mind. A patent specification, to take an example from the opposite pole, makes no such appeal. It is a strictly business document and the merit of a business document is to be prosaically clear and unambiguous. A judgment pronounced on the bench, regarded as an intellectual product, stands in a class by itself. The Judge speaks with authority and what he says should therefore be spoken with befitting dignity. He should not affect grandiloquence but he should be impressive. The strength of a judgment lies in its reasoning and it should therefore be convincing. Clarity of exposition is always essential. Dignity, convincingness and clarity are exacting requirements but they are subservient to what, after all, is the main object of a judgment, which is not only to do but to seem to do justice. In addition to these cardinal qualities of a good judgment there are the attributes of style, elegance and happy phrasing which are its embellishments.

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Lord Atkin in *Donoghue v. Stevenson*

He then went on to state the principle in these words : "The rule that you are to love your neighbour becomes in law, you must not injure neighbour; and the lawyer's question, who is my neighbour? receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law is my neighbour? The answer seems to be persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question."