JUDGMENT WRITING IN ELECTION PETITIONS

CONSTITUTIONAL UNDERPINNINGS

- The judiciary as a guarantor of electoral democracy

- Free, fair, and verifiable elections as a cornerstone

- Electoral dispute resolution law, mechanisms, and processes

- The normative and institutional framework (constitutions, laws, and procedures

- Sierra Leone, Uganda, Nigeria, Ghana, Kenya, Zambia, Malawi etc

THE JUDGMENT

- Historical Ancorage

- Jurisdictional basis

- The Rationale of Legitimacy

- Sustainable Jurisprudence

THE FORM

- Composite

- Separate

- Advantages (certainty,clarity, jurisprudence)

- Disadvantages (suspicious anonymity, suppression of individual judicial creativity)

- Advantages (judicial creativity and freedom)

- Disadvantages(judicial profiling, uncertainty, stunted jurisprudence)
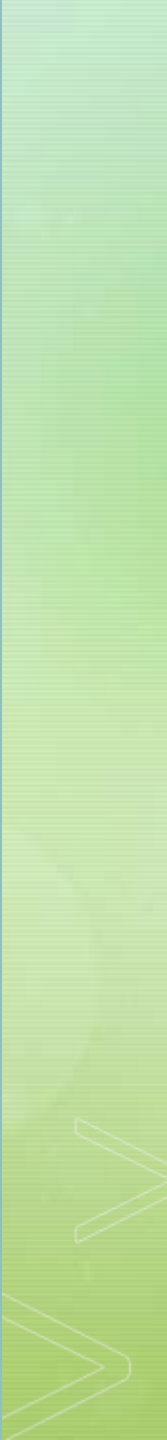
THE NATURE

- Unanimous

- Majority

- Dissenting

- Concurring

THE AUDIENCE

- The parties

- The legal fraternity

- The international Community

- Other Jurisdictions

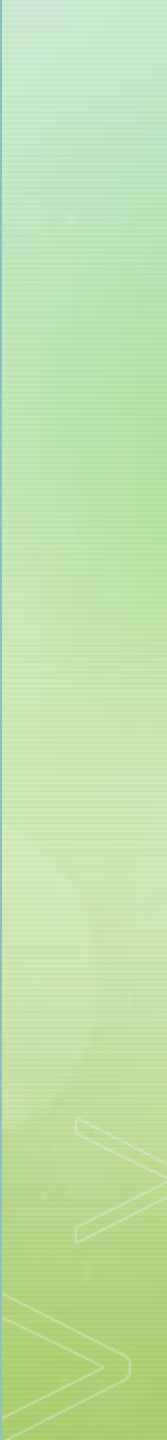- The schools of law

- The electorate

THE CONTENT

- Clear and Concise

- Well structured

- Legally sound

- Well reasoned

THE RENDITION

- The Petitioners Case

- The Respondent's Answer

- The Issues

- The Applicable Law

- Assessment of Evidence

- Findings and Conclusions

THE IMMUTABLE LEGAL QUESTIONS

- The Burden of Proof

- The Standard of proof

- Scrutiny and Recount

- The Substantiality Test

- The Place of Technology

THE STRATEGY

- Let the Pleadings speak for themselves (Petitioner's case/Respondent's answer) (Pillars)

- Be in charge of Issue identification from the beginning

- Admit evidence where you must; decline evidence where you ought (navigate carefully)

- At the hearing; interrogate counsel intelligently on behalf of the electorate

- Deliver a short version which makes the detailed version almost a luxury

THE INTERVENORS

- The Interested Party

- The Amicus Curiae

- The Amicus Brief

- The Value Derivative

GENERAL

- Judgment as a basis for Legal Reform

- The Role of Orbiter Dicta

- Linguistic Bluster

- The Judgment is the Court's judgment