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### **Reading a Legal Text**

Dr. Shlomo Levin

Supreme Court Isreal (rtd)  
President, International Organisation for Judicial Training

1. A judge's role requires reading extensive amounts of legal materials: written arguments, submissions and trial records (which sometimes involve hundreds or even thousands of pages), as well as Israeli and foreign judgments used for legal research. In particularly complicated cases, a judge might have to go through numerous boxes filled with documents. How does one tackle such an assignment?
  
2. A judge must be able to differentiate between relevant and irrelevant information. In time, this ability becomes a habit, and the habit then becomes second nature. When approaching a legal text, the judge must focus their reading on key issues. This can be done by asking and answering the following four questions:
  - a. Why this court?
  - b. Is there a valid legal claim?
  - c. What are the disputed questions?
  - d. What is the solution to the problems which arise?

By adopting the method of asking these four questions while reading through a case, the judge will develop over time the ability to automatically ignore the irrelevant information and to read only what is most important to the case.

3. We shall now explain in detail the abovementioned questions:
- a. "*Why this court?*" - This question asks whether or not the court has jurisdiction over a case before it. The court's jurisdiction is defined by law. There is no reason for a judge to begin hearing a case when it is clear that another court or tribunal has jurisdiction over it. Therefore, the court should raise the question of jurisdiction early on, even if the parties do not do so themselves. If the court's jurisdiction is questioned, the judge must hear the parties' arguments for why the court indeed has jurisdiction over the case before it can dismiss the case.
  - b. "*Is there a valid legal claim?*" – In certain cases it is clear that even if the parties prove all the facts in their submissions, they have no legal claim and the case should be dismissed. In these cases, as in the previous example, there is no reason to examine the facts of the case. Before dismissing the case, the judge must allow the parties to explain why there is a valid legal claim at stake. The judge may allow the parties to amend their submissions accordingly.
  - c. "*What are the disputed questions?*" - Legal texts often contain long arguments, citations and references to other documents and legal materials. A Judge should be able to lay out in general terms, the matters in dispute between the parties before delving into the details. Sometimes, a short inquiry will show that there is no real dispute between the parties or that the dispute can be resolved easily.
  - d. "*What is the solution to the problems which arise?*" – Generally, courts strive to solve conflict brought before them through an agreement between the parties. A judge who strives towards reaching such compromise will have the goal of settlement in mind from the outset of the case.

4. The Israeli Institute of Advanced Judicial Studies provides training on the subject of reading a legal text. We offer to share our experience with other Institutes.

- a. During training, the judges are given a lengthy and complicated judgment (30-50 pages or more), and they are allotted a limited amount of time to read it (for example in 30 minutes). Then, they are asked to identify the main questions and to explain the answers that were given to those questions in the judgment. The questions should be presented in one sentence, starting with "What", "How", or "Whether". The judges are then asked to produce a one-page summary of the judgment. The instructor collects the summaries and discusses them with the judges.
- b. Another exercise requires the judges to read an actual case as if they are preparing for a trial hearing or a pre-trial hearing. The Judges are asked to summarize the facts of the case using the four questions mentioned earlier – Why this court? Is there a valid legal claim? What are the disputed questions? What is the solution to the problems which arise?
- c. In a third exercise, the judges are presented with an extensive record of testimonies heard during trial. The judges are requested to identify, in a limited amount of time, a specific question appearing in the text. This exercise is designed to teach judges to focus only on the crucial issue, ignoring irrelevant information.