

Foreword

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Chief Justice of Australia

The author of this handbook, Stan Emmerson, has proofed judgments at the High Court for the past 24 years. For much of that time he has been the Publications Manager, with responsibility for the final proof of judgments before their publication.

The first proof of a judgment is undertaken by the associate of the Justice who wrote the draft. Judges call it proofing but, as the author points out, it is really copy editing. This is a large undertaking for an associate who invariably will have no training for this task and no one apart from other associates from whom to seek assistance. The Court has a style guide but, as this handbook shows, there is much more involved. The handbook provides comprehensive advice as to how to approach this task and how to achieve the objectives of proofing.

This excellent handbook commences with a discussion about the importance of proofing. This is not to be underestimated, not the least because it has a public dimension. One need only consider some of the examples given of some serious mistakes unintentionally made in judgments to appreciate the embarrassment they could have caused the judge and court concerned had they not been corrected.

The handbook discusses what is and is not entailed in proofing. Associates are wisely counselled that many choices made by the judge who wrote the judgment, of language and style, do not form part of the task of proofing. Proofing a judgment, it is explained, is about ensuring that it is correct and consistent. It needs to be approached with a focused mind, one attuned to each word and the possibility of error. It entails checking for the correctness of factual references and of quoted material and citations, spelling mistakes, and consistency in the use of language. Advice is given on technical,

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and sometimes complex, topics such as the use of commas, sentence structure, common problems with the use of certain words, and lesser known difficulties such as the unpunctuated “which”.

The author of the handbook says, quite rightly, that a judgment needs to be understandable, but there are many ways that that objective can fail to be achieved. It is here that the title of the book is explained. Apparently he has often had to ask an associate what is the “it” to which the judge is referring. It can, he suggests, be “a deceptively benign carrier of the disease of ambiguity”.

I am not aware of another work such as this. It deals with a task which is important and can be difficult. The handbook is an essential guide for associates with respect to judgment proofing. It draws upon Stan Emmerson’s considerable experience in editing, and in educating many High Court associates over the years about it. There is much in it which should be of interest to judges.

Needless to say, Stan will be proofing this foreword.