

THE ROLE OF REGISTRARS,  
SECRETARIES, COURT CLERKS AND  
BAILIFFS

BY

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## INTRODUCTION

It is indeed an honour and a great privilege to have been nominated as a Resource Person for the 2016 Refresher Course for Secretaries, Protocol Officers, Court Registrars, Process Clerks and Bailiffs. My highest regard and gratitude goes to the dynamic Administrator of the National Judicial Institute, Hon. Justice R.P.I Bozimo, *OFR*, for giving me this rare opportunity to serve and finding me worthy of presenting this paper.

The title of this paper “*The Role of Registrars, Secretaries, Process clerks and Bailiffs*”, is apt as this cadre of Court officials are the image or better put, the mirror of the Judiciary and the yardstick in which members of the public measure the Judiciary. It is not only an important subject in a workshop such as this; it is the platform upon which the entire judicial process is built.

It is also important to note that the role of the support staff in the administration of justice cannot be over-emphasized; neither can their contributions towards attainment of justice be quantified. You will agree with me that the first contact between a court user and the court is the Registry and whatever a court employee does in his or her capacity affects the quality of justice as well as the confidence of the litigants in our courts. This paper therefore will discuss your roles to achieve optimum performance in the discharge of your duties.

In a publication by Mr. Segun Ajaja in his book titled “Court Registrars and the Administration of Justice in Nigeria” he posited that the Registrar and indeed the support staff of the judiciary is an Institution which had its roots in Common Law. He stated that because of the important role being played by the support staff of the judiciary, one of the criteria to be used in their appointment includes the appointment of a fit and proper person. I would attempt to now focus on the duties of court employees, namely Court Registrar; Secretary; Court Clerk; Bailiff and possible best practices for optimum performance.

### 1.1 THE COURT REGISTRAR

A Registrar is an officer of Court directly in charge of the staff attached to each of the Courts such as the court clerk, the bailiff and messenger among others. He is entrusted with the day to day administration of the Court, subject to the overriding authority of either the Judge or the Magistrate as the case may be. He sits with the Judge or Magistrate and attends to the need of the presiding officer and the lawyers. He ensures compliance of processes, payment of fees and fines as the case may be. The Court Registrar also keeps reports of happening in the Court from times to time and minute same to the Chief Registrar for his information and necessary action when needed.

He is the most central officer in any Court Registry; therefore, if Registrars can successfully perform their duties to the letter, then they are an asset to the judiciary, as they

would have succeeded in aiding quick dispensation of justice.

The following constitute the primary functions of Registrars:

- (A) To fill up or cause to be filled up Summons, conviction warrants, recognizance (for bail), Writ of Execution and other documents, and submit same for the signature of the Judge. A Registrar should at all times co-ordinate the issuance and service of Court processes, hearing notices, warrant of arrest, summons of whatever nature such as Writ of Summons, Originating Summons among others.
- (B) To make or cause to be made copies of proceedings when required to do so by the Judge, and to record the Judgments, convictions and orders of the Court;
- (C) To receive or cause to be received all fees, fines and penalties emanating from matters before the Court and act upon such order (or orders) made by the Court; all such monies paid or deposited in respect of proceedings in Court shall be deposited in the Court's account by the Registrar;
- (D) To perform or cause to be performed such other duties connected with the Court as may be assigned him by the Judge;
- (E) To ensure that the Registry and other Staff therein on a daily basis perform their functions cautiously without inhabitation. This explains the fact that the Registry is considered as the life wire of the Court;

- (F) A Registrar should be seen performing custodial duties such as marking and safe keeping of exhibits tendered in Courts, until requested, keeping proper inventory of attached properties.
- (G) A Registrar ought to put in place proper and necessary arrangement towards ensuring a conducive Court sitting session on daily basis. He/she should be of a tremendous assistance in administering oath on a witness during Court session or affirming a witness(es).
- (H) A Registrar must at all times keep and guard the Record books which contain record of proceedings in each assigned matter and Court diaries from every form of manipulation by members of the public.
- (I) He/ She should supervise the preparation of a neat register wherein details of newly assigned matters, transferred matters, court processes filed are registered.
- (J) A Registrar receives application from Litigants, counsel and other members of the Public. This could be application for the Certified true Copy of a Record of proceedings, Ruling, Judgment among others.
- (K) A Registrar is responsible for the custody of Court properties such as keeping of court seals and stamp, files, writing pad among others.

## 1.2 COURT SECRETARIES

Judicial officers as well as the court registrar rely on their secretaries to maintain and retrieve legal documents required for specific cases. This career requires strong organizational and communication skills in addition to an ability to refrain from divulging confidential information. Many secretaries use this job as a starting point for more advanced legal positions, such as Court Administrator. Due to the relatively low requirements, in terms of qualification for Court Secretaries, a good number of them usually undergo on-the-job training after obtaining employment. Court secretaries also conduct a range of administrative duties, like answering phones and stocking office supplies. It is also very important to note that a competent, hardworking and an organized court secretary always enjoy the trust, confidence, and commendation of Judges/ Magistrates, litigants and lawyers.

Their duties among others includes:-

- A. A Court Secretary should ensure that proceedings of the court are neatly typed and that a cause list is well prepared on a daily basis. He/ she should ensure at all times that orders, Judgment, rulings are duly typed.
- B. A Court Secretary should be in a suitable position and frame of mind to receive and attend to visitors who intend to see Judicial Officers.
- C. A Court Secretary types correspondences and mails on a regular basis.

D.A Court Secretary receives telephone calls from visitors, members of the public and other Judicial Officers on behalf of the particular Judge/Magistrate he/ she is attached to at regular intervals and be able to relay the messages received to their principal officer where necessary. Where information in the course of carrying out their daily duties arise to change the schedule already assigned to the Judge, the secretary should proactively notify the Judge and the Registrar in time to allow for adequate time to reschedule.

E. Court Secretaries ensure confidentiality of information relating to the judicial functions of the Judge.

### 1.3 COURT CLERKS

The Court clerk is an important officer of the Court. He is directly under the supervision of the Court Registrar. He/she is the first person lawyers and litigants come in contact with in their attempt to institute an action in Court. A Court clerk sits with the Judge/ Magistrate and attends to the need of the presiding Officer and the Lawyers. They mention matters stated on the cause list, suit numbers, Charge Numbers as well as the position or stage of the listed matters The Process/Court Clerks (under strict supervision by the Court Registrars) are responsible for compiling court processes used by Litigants before a Court in the Court's file which include:

- Writ of Summons
- Originating Summons
- Affidavits

- Petitions
- Statement of Claim
- Statement of Defence
- Reply to Statement of Defence
- Counter Affidavit
- Hearing Notices

A Court Clerk makes effective arrangement for court or tribunal sittings on a daily basis, ensuring that trial dates, scheduling of court appearances are dutifully maintained in each Court. They should keep general record as well as manage with little supervision, the docket of the court. They could assist the Registrar in the compilation of monthly, quarterly and yearly return of cases. They should also maintain the archives of the court files.

Court Clerks ought to be friendly to members of the public, counsel, litigants because in most cases, information such as when the Judge would be late or will not sit is usually relayed to this group of people through them. They may also be of tremendous assistance in the interpretation of Court proceedings to litigants or witnesses in Court whenever the need arises.

#### 1.4 COURT BAILIFFS

The definitions ascribed to the word 'bailiff' in Black's Law Dictionary are: A Court officer who maintains order during

court proceedings or a sheriff's officer who executes writs and serves processes. His duties are as follows:

- A. A Court Bailiff effects service of all court processes on litigants, counsel or an established body be it a Writ of summons, originating summons, petitions, applications, affidavit, statement of claim, statement of defense among others appropriately.
- B. Effects service of Court order(s) on parties to a suit even on appeal.
- C. Make depositions of proof of service of any court process served by him, stating vital information as to who accepted service of the process(es), place and time service of the said process(es) were effected promptly.
- D. Keep a daily record in a Court register, all the processes issued and served by him.
- E. As an officer in the temple of Justice ensure that Orders, Judgment(s) of the Court are duly executed.
- F. Must be honest and diligent as he/she will always be summoned regularly in an open Court by the Judge(s) or Magistrate to give an account as to whether or not service of court process(es) were effected.
- G. As an officer of the Court he/she may assist during auction sale of attached properties of a Judgment debtor(s)
- H. He/she must in carrying out the order if the court to vacate a premises or building , take inventory of all he property found in the premises in the presence of a

Police officer especially where the door or doors of the premises was forcefully opened

## THE ROLE OF REGISTRARS, SECRETARIES, COURT CLERKS AND BAILIFFS FOR OPTIMUM PERFORMANCE

### 2.1 Registrars

For Registrars to effectively play their role they must be well educated and specially trained in judicial processes in addition to having requisite case and court management skills

Registrars play an important role in case flow management. They should ensure they always have early control of cases by making sure that it is duly registered in the Court Register or Computer as the case may be. This can be done by proactively sending the case file to the Judge/ Magistrate for viewing and fixing of the date. It is not good to leave a case in the registry until such a time that the lawyer comes to request for a date. This gives the Court better control of assigning case before it for speedy disposal. When cases are handled like this the Registrar would be in a better position to continually maintain control of the cases .Even when the court does not sit, the Registrar will ensure that new dates are given so that no case is left at the registry and on the court pending list for years unattended to.

For Registrars to effectively carry out their duties, it is important for him/her to perfect his/her people management skills because of the supervisory role they play to the other support staff of the Court. They should be able

to adequately manage time, assign duties promptly and manage crises that come in the course of carrying out the day to day activities of the Court without disrupting the proceeding of the court. He should ensure proper coordination and harmonization in each case. This process involves making sure that other Staff in the department e. g Secretaries, Court Clerks, Bailiffs carry out their duties. In this regard a Registrar should always confirm whether or not service has been effected on time before the hearing of a matter and whether the relevant Counsel is aware etc.

Registrars must abide by the letters of the Code of Conduct for Court Employees especially rule 1(a) which provides for accountability of resources, property and funds and rule 1(b) which provides for the Confidentiality of Information.

## 2.2 Secretary

A Secretary has to possess an excellent skill in organization. In this era of computer appreciation an easier route can be taken to properly organize files on the office computer for faster retrieval and appropriate disposal. It is appropriate for Courts to ensure that computers, where possible are available to the secretary of the court and for them to have proper training on its use to effectively carry out their duties.

Secretaries should ensure they do not mutilate or deliberately omit some important aspects of the ruling or judgment while typing the proceedings so as to enable the appeal succeeds at the appellate court. Avoid

misinterpretation, misrepresentation or misinformation of facts in any document or information before you.

I would like to also note that the Registrar and the Secretary in my opinion have one thing in common. They both are disposed to provide information of the Judge and the proceedings of Court. They should always adhere as strictly to the provisions of Rule One (b) of the Code of Conduct for Court Employees which provides that....

### 2.3 Bailiffs

As regards bailiffs in Nigeria it is a common knowledge that lawyers pay to 'mobilise' bailiffs to effect service of Court Processes, aside the official fees paid to the Court. Any lawyer that knows his or her onions today in Nigeria will not sit down expecting bailiffs to effect service of processes on the opposing side without mobilisation. The reason for this has always been ascribed to inadequate funding of the Court's day to day activities. However some of the bailiffs are capitalising on the issue to justify their disdain for work without gratification. Unfortunately some Judges have unwittingly endorsed this illegality by openly asking in the courtroom whether the bailiffs have been mobilised to effect service. Since the Court is a Court of record, a Judge will not go on with any case once there is no proof of service in the court file, and this ugly trend has indeed frustrated many promising cases. This act is in clear violation of the Rule 3(a)(2) of the Code of Conduct for Court Employees which provides that a court employees shall not solicit,

request or accept any compensation or fee beyond that received from the employer for work done in the course of his duty. This in my opinion is a devastating issue that should be condemned and a permanent solution be put in place by the Judiciary. I am of the view that state Judiciary should tackle this problem in order to come up with a more probable course of action to manage the situation without compromising the position of the bailiff in the discharge of his duties.

### 3.1 CHALLENGES AND SUGGESTED SOLUTIONS

1. Inadequate training: While some of the staff in this cadre possess the requisite basic skills to perform their duties, some others have little or no basic skills at all and hardly attend any training. In order to develop new skills and knowledge so as to improve performance, there is a need for training and re-training of the court employees. Of recent, some State Judiciaries have collaborated with the National Judicial Institute for in-house training of their staff. It is important for other States who have not done this to emulate the idea.
2. Occupational hazards: Some members of staff, especially Bailiffs whose duties include the service of process and execution of judgments face challenges which may include injury suffered either as a result of accidents on the roads or inflicted by an irate party on whom service is to be effected and/or their agents.

Where a means of transportation is not made available, they may be required to trek really long distances at certain times in order to perform their duties. It is suggested that special hazard allowance be provided for such category of staff.

3. Inadequate Facilities and Equipment: Insufficient office accommodation and dearth of furniture equipment is also rampant. It is sad to say that some court in states still rely on type writers in an era where computers and digital facilities have taken over. This should be looked into by affected States to ensure that basic ICT facilities should be provided for the court staff.
4. General Apathy: General apathy of lack of confidence by the generality of people is mainly caused by god-fatherism, favoritism, lack of incentives and redundancy. Staff of the judiciary should be given specific functions and respective schedules should be adhered to strictly. Equal opportunities and treatment in respect of training and posting should also be given to all staff.
5. Lack of Supervision: This may lead to indiscipline and sharp practices. Prompt and appropriate disciplinary action should be taken against any staff found wanting as it may serve as deterrence to other members of staff. In addition, the Judge as the Head of his Court should not condone any form of misconduct by staff of his Court.

#### 4.1 CONCLUSION

The court system in Nigeria, should like every other court in the developed world thrive and blossom on confidence, trust and the belief that justice works. For this system to actually work its supports staff must ensure they do their duties effectively at all times. As mentioned earlier the Secretaries, court clerks and the Bailiffs all work under the court registrar who manage the administrative duties of the court. It is paramount for the Court registrar to know that his level of efficiency and discipline rubs off on the other support staff under him. There is need for him to be proactive in taking decisions on behalf of the court to ensure that any form of justice delay is not found on the part of the court. If he demands prompt delivery his support staff knows failure to do so would attract sanctions/ penalization hence they would be forced to comply and carry out their duties diligently.

The need for effective team work and communication cannot also be over emphasised to achieve optimum performance in the discharge of your duties. When a Court staff deliberately delays in the discharge of his duty it ultimately leads to a delay in another's duties and invariably the whole system. Even when a staff delays in the discharge of his or her duty the other party should proactively initiate steps to fill the

gaps or even know the cause of the delay and ensure compliance.

It is impossible to note that challenges are an inevitable part of life and in this case in the discharge of your duties. There are always going to be issues of funding. Court users or lawyers before your court would without doubt make your jobs difficult but still expect prompt results. It is important you work together to manage these challenges with the intention of finding a solution in the best means possible to every situation. A positive attitude towards frustrated court user most times make a difference in the perception a court user has about the justice system. Such challenges are best dealt with proper decorum and comportment as provided in Rule 4 of the Code of Conduct for Court Employees. In the words of *Robert F. Bales* "*Effective teamwork will not take the place of knowing how to do the job or how to manage the work. Poor teamwork, however, can prevent effective final performance. And it can also prevent team members from gaining satisfaction in being a member of a team and the organization.*" Always reassure the person that the situation is been handled and it would be handled timely.

The performance of all supporting staff of the judiciary can make or mar the administration of justice. The Code of Conduct for Court Employees has been put in place to ensure you focus strictly on your duties without the enticing distractions which court users can bring. It is worthy to note that the rules of the Code of Conduct for Court

Employees and your employment contract into the service of the Judiciary are binding on you as an implied term of your employment contract. It is of utmost importance that all supporting staff of the Judiciary must strive toward a better working relationship, exhibit diligence, transparency and integrity in the discharge of their duties. Your duties complement those of the Judicial Officers towards effective justice delivery.

*Finally in the words of Buddha “Your work is to discover your work and then with all your heart to give yourself to it.”*

Thank you for your patience and for listening

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