IMPROVING THE QUALITY OF JUSTICE DELIVERY IN THE MAGISTRATE COURTS THROUGH THE USE OF INFORMATION TECHNOLOGY.

By

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"The world around us is changing rapidly, and so must the courts, by fighting against change and not embracing it, the court risk becoming irrelevant in the 21st century."[1]

INTRODUCTION

The use of Information and Communication Technology in the modern world is one of the key innovations that has brought tremendous advancement in the world, and has widely shaped the ways and life of people.

The rapid development in information technology today has opened up new opportunities and frontiers that were unthinkable only a few years ago. It has positively impacted on all spheres of modern life, enabling amazing efficiencies in the delivery of quality services. For example, the ability to electronically access, store, and transmit information presents people with many new ways to communicate, ways such as email is now a standard business communication tool, and has also changed the way people relate as well as conduct business.

If the way people work, live, play and communicate is changing and evolving, this would no doubt affect the administration of justice as it is part of this changing world. It therefore becomes imperative that the

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[1] Broderick, T., (2009) Journal of the National Association for Court Management's (NACM), Court Manager 24, No. 2 , Portland, Oregon.

Judiciary ought to take advantage of the new developments to enhance the delivery of its own services.

The assertion by Victor Hugo has been justified when he stated thus:

"An invasion of armies can be resisted; but not an idea whose time has come"

The assertions above runs as true as Information and Communication Technology is developing and changing more rapidly than one can often master and sometimes afford, whether we chose to acknowledge the presence of technology or not, it is obvious that it has come to stay.

Furthermore, we have now become a nation of multitaskers, more anonymous yet more integrated and interdependent. Hence, Efficiency, speed, and transparency have become the watchwords of our time.

Technocrats over the years have advocated that the use of information technology in the judicial system could greatly improve the quality of justice delivery. This was emphasized when the former President of India, Abdul Kalam Dr. A.P.J commented about introduction of technology in courts thus:-

> Technology is definitely an essential element of change in all spheres of life. The human element involved also is an important factor. If technology is properly used, it can bring about tremendous changes for the betterment of life. Any change we contemplate is for speedy justice delivery mechanism keeping in focus the quality, transparency and public accountability.[2]

Today, in our effort to improve the quality of justice administration through information technology- to make justice accessible and affordable,

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[2] Journal of Education and Social Policy, *Vol. 1 No. 1; June 2014, pg 113.*

reduce the delay, and to ensure transparency and clarity; the judiciary needs to remain steadfast, inventive, and adaptive. It is therefore, essential that all the key players in the administration of justice must be proficient with the many technological advances that allow more efficient and effective courtroom presentations. They should also redouble their efforts to sustain and creatively adapt a justice system that will promote judicial excellence in the administration of justice that meet the needs of the electronic age.

To create the balance and bridge the gap of acquiring the skills, knowledge and abilities to use and implement information and communication technology and make all stakeholders of the judiciary in Nigeria become digital native and Information Technology compliant, the former Chief Justice of Nigeria, Hon Justice Dahiru Musdapher, GCON, inaugurated the "Judicial Information Technology Policy Formulation and Implementation Committee" on 30th January, 2012.

One of the key tasks of the committee was to: *"design and develop a comprehensive, pragmatic information Technology policy which could be effectively implemented in all jurisdictions in the running of the day-to- day activities of the courts in the Nigerian Judiciary"*[3].

CONCEPTUAL CLARIFICATION:

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[3] Nigerian Judiciary Information Technology Policy Document, July 2012, pp 5

For us to ensure easy flow of discussion in regards to information handling, certain basic concept needs clear distinction. Once we are able to clearly identify the loads or the passenger (**information**), it is easier to determine what kind of vehicle (**information technology tool**) can help to support and thereby improve the quality of justice delivery. This is because the courts' primary duty is justice delivery. It starts from filing of cases, processing of cases to archiving decisions and ensuring their enforcement. Processing of these court cases is primarily information handling.

In this regard the following terms are clearly defined:

i. **Improve:** This means to become better than before; to make something/somebody better than before.[4]

ii. **Quality:** This means the standard of something when it is compared to other things like it; a feature of something, especially one that makes it different from something else.[5]

iii. **Justice:** This is the quality of being fair or reasonable.**[6]**

iv. **Quality of Justice:** According to Council of Europe's Commission on the Efficiency of Justice (CEPEJ), the quality of justice refers to the *"quality of the organisation and functioning of the judicial institution"[7]*. The aim of improving the administration of the judicial apparatus is also to meet as fully as possible the expectations of litigants", with regard in particular to "the reception given to them in courts, simplicity of proceedings, the time taken to give decisions, their clarity and their effectiveness, and to meet these concerns through

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[4] Oxford Advanced Learners Dictionary, 6th Edition
[5] Oxford Advanced Learners Dictionary, 6th Edition
[6] Oxford Advanced Learners Dictionary, 6th Edition
[7] European Judicial Systems Efficiency and quality of Justice, CEPEJ Studies No. 24

better organisation of the courts, simpler and more accessible procedures, and speedier and more easily enforceable decisions"[8]. **The quality of justice: a two sided issue.** The **"quality of justice"** is what citizens feel in the face of litigation, their wishes and their aspirations. Equity is the key to the concept[9].

v.   Data:
  ➢ raw facts, figures , and details

  ➢ Symbols or signals that are input, stored, and processed by a computer for output as usable information

  ➢ Information in raw or unorganized form (example alphabets, numbers or symbols) that refer to or represent conditions, ideas or objects.

  ➢ Data is limitless and present everywhere in the universe.

vi.   INFORMATION: Information is data that:
  ➢ Has been verified to be accurate, meaningful and timely

  ➢ Is specific, relevant and organized for a purpose

  ➢ Is presented within a context that gives it meaning and relevance

  ➢ That can lead to an increase in understanding and decrease in uncertainty

  ➢ Information could be text, sound, picture, video etc

vii.   COMMUNICATION: refers to the sending and receiving of data and information over a communications network.

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[8] European Judicial Systems Efficiency and quality of Justice, CEPEJ Studies No. 24

[9] Jacques Hamaide, President of the High Council of Justice of Belgium, The European commission for the Efficiency of Justice. http://www.coe.int/t/dghl/cooperation/cepej/newsletter/Hamaide052007_en.asp

viii. INFORMATION TECHNOLOGY: *INFORMATION TECHNOLOGY is "the thing doing the manipulating", and INFORMATION is "the thing being manipulated"[10]*

Information technology deals with the use of computers and computer software to securely convert, store, protect, process, transmit, input, output and retrieve information.

Thus, an information Technology (IT) system processes, stores and or transfers (Communicates) information. To transfer information, Information Technology uses computers, Networks, and other electronic devices and means. It is because of the importance of communications in Information Technology, that the term Information and Communication Technology (ICT) is often preferred to Information Technology

Components of Information Technology

Information Technology has three main components: they are

1. Computers. This involves hardware, programs and information

2. Communication networks: A set of locations or nodes, consisting of hardware, programs and information linked together as a system that transmits and receives data and information.

3. Know- how. The know how is the capability to do something well which consist of

   ❖ Familiarity with the tools of Information Technology; including the internet

   ❖ Possession of the skills needed to use these tools

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[10] Davenport, Thomas H. 1993. Process Innovation, Reengineering Work through Information Technology. Boston, Mass.: Harvard Business School Press. pg71

❖ An understanding of when to use it to solve a problem or create an opportunity.

INFORMATION TECHNOLOGY IN THE COURTS

As stated earlier, the main business of the courts is to hear and determine cases in a fair and timely manner at reasonable cost. There are processes which start from the filing and conclusion of the case before the courts. The processes involved in handling information in court cases must be efficient, effective and equitable.

As the world increases its use of, and dependence on, technology tools, so will the courts. For example, in 2011, the Consultative Council of European Judges (CCJE)…

> "welcomes Information Technology (IT) as a means to improve the administration of justice, for its contribution to the improvement of access to justice, case management and the evaluation of the justice system and for its central role in providing information to judges, lawyers and other stakeholders in the justice system as well as to the public and the media. The CCJE encourages the use of all aspects of IT to promote the important role of the judiciary in guaranteeing the rule of Law (the supremacy of Law) in a democratic state."[11]

In an Opinion delivered on 9 November 2014, the Consultative Council of European Judges (CCJE) further pointed out that:

> *Information Technology (IT) should be a tool or means to improve the administration of justice, to facilitate the user's access to the courts and to reinforce and safeguard the pillars of Justice system: access to*

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[11] Dory Reiling,(2012), International Journal for Court Administration (IJCA,) Vol. 4 No. 2 pg 1

justice, impartiality, independence of the judge, fairness and reasonable duration of proceedings" and went on to stress that its introduction" in courts should not compromise the human and symbolic faces of justice "[12].

In a similar discourse, the Council of Europe's Commission on the Efficiency of Justice (CEPEJ) in their evaluation reports have categorized Information Technology according to the role of the technology in the court process as follows:

1. **Direct Support for Judges and staff**. This category includes mostly office technology, document production and calendaring as well as email and jurisprudence databases. It also includes technologies supporting the work in the courtroom.[13]

2. **Support for court management:** it encompasses case registration, case and court management systems and systems for financial management.[14]

3. **Support for interaction between courts and parties,** these include communication technology that transmit information within the organization and to those outside; i.e. parties and the general public.[15]

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[12] European Judicial Systems Efficiency and quality of Justice, CEPEJ Studies No. 24

[13] CEPEJ 2006, European Commission for the Efficiency of Justice, European Judicial Systems Edition 2006 (2004 data). CEPEJ 2008 (2006 data), CEPEJ 2010 (2008 data). http://www.coe.int/t/dghl/cooperation/cepej/evaluation/default_en.asp

[14] CEPEJ 2006, European Commission for the Efficiency of Justice, European Judicial Systems Edition 2006 (2004 data). CEPEJ 2008 (2006 data), CEPEJ 2010 (2008 data). http://www.coe.int/t/dghl/cooperation/cepej/evaluation/default_en.asp

[15] CEPEJ 2006, European Commission for the Efficiency of Justice, European Judicial Systems Edition 2006 (2004 data). CEPEJ 2008 (2006 data), CEPEJ 2010 (2008 data). http://www.coe.int/t/dghl/cooperation/cepej/evaluation/default_en.asp

Thus, it is pertinent to say that the introduction and use of Information Technology in the justice administration among other aims of attaining the pillars of the justice system includes:

i.   to improve the efficiency of the courts,

ii.   to create higher quality work product,

iii. conduct better research,

iv.   work more collaboratively

v.   Learn more readily,

vi.   speed up work

vii. reduce cost, time and delay

viii. access to legal information

ix.   Access to court

x.   Access to justice

xi.   Serve clients more effectively, and efficiently, thereby raising the quality of justice administration in the country as a whole.

Hence, for the purpose of our discussion, Information and communication Technology used in the courts are categorised as follows:

A.   Functional Information Technology (FIT)

Functional Information Technology (FIT) includes technologies that make the execution of stand-alone tasks more efficient. They mainly consist of hardware and software used to create, collect, store, manipulate, and relay digital information needed for accomplishing basic office tasks. It comprises of simple computer tools like desktop computers, photocopiers, printers, scanners, laptops, word processing programs, presentations programs, spreadsheets, and other standard   tools that can easily be

acquired in the market.   The use of Functional information technology allows the people working within the courts to discover what ICT is and to start experimenting with it.   It also constitutes the **"Installed Base"** on which other technological innovations may be implemented. For example, without a computer and an internet connection, a judge cannot access on – line legal information services.

B.   Network Information Technology (NIT):

Network Information Technology (NIT) provides a means by which people can communicate with one another. Network IT include e-mail, instant messaging, blogs, Forums etc. This facilitates collaboration, allows expression of judgment and foster emergence. They bring complements with them, but allow users to modify them over time. Network technologies facilitate interactions between users, but without specifying their parameters. They allow people to interact, but do not define how they should interact. This means they allow users to implement and adapt them. It means also that people can communicate and experiment ways of communication that suit them.

C.   Enterprise Information Technology (EIT):

Enterprise Information Technology (EIT) is the type of Information Technology (IT) application that organisations adopt to restructure interactions among groups of employees or with other stakeholders. The ideal type for this group is an entirely electronic management process: clients, litigants interact electronically, their input is managed in electronic files by electronic work flow systems, both individually and according to

load, outputs are sent to the clients, litigants electronically and filed in an electronic archive. In the EIT applications, the management process has gone completely paperless. E.g. Case Management System, Sentencing Support Systems, E-kiosks, E- Filing, File Tracking System (FTS) etc.

Applications of Enterprise information technology in the Court.

➢ **Case Management Systems.**

This is a system that allows cases to be managed electronically, without physical files. For cases that need a full trial, the preparation for the trail date, including the submission of relevant documents needs to be made through this application.

➢ **Sentencing Support Systems**:

The system uses computer technology to allow judges quick, easy access to relevant information about past decisions of the court in similar cases without placing any formal restrictions on the exercise of judicial discretion.

➢ **E-Filling:**

This is an electronic system of filling cases online. This easy- to-use system allows lawyers to file documents (pleadings, motions, transcripts, trial courts records, and briefs) directly with the courts over the internet. It also aids court to file, store, and manage their case file in an easy- to- access, transparent way. The service could be charged through the internet banking system for payment of case filing.

➢ The **E- Kiosks:**

A touch screen system which is user friendly where any litigant or a lawyer can gather information concerning his or her case. This is to

ensure access to justice and transparency in judicial process. Through these E-kiosks and information centres, one can have the needed information about the stage of the proceedings.

➢ **SMS (short Message Service)** and **IVRS** (**Interactive Voice Response system)** facility may also be introduced to know the status of cases.

➢ **Web Mail and Forums:**

This is an important innovation where e-mails and forums are used to share electronic documents. It is essentially used as an informal means of communication.

➢ **Website:**

Launching of Judicial website can also achieve the objective of Judicial Efficiency, Access to Justice and quality of justice. It helps courts users to quickly locate up-to date forms, judgments, and other information. Litigants and other court users can gain access to information on laws, court procedures, forms, and judgments. Examples of website that provide case includes: www.nigeria-law.org, www.nigerialawreports.com, www.judgment.supremecourt.gov.ng

➢ **Virtual Library:**

Information and communication Technology is a powerful tool and medium to help judges to be more effective through searchable access to laws and cases. An access to services such as Lexis-Nexis would be most valuable for our court officials. Specially, the commercial internet access to Lexis has up to date, comprehensive collections of laws from almost all jurisdictions in the world, and features very sophisticated search

capabilities. Other tools of searches that are available include: LegalPedia, Law Pavilion etc.

➢ **File Tracking System (FTS).**

This is a web based application to monitor the pendency of receipts and files and assist in their easy tracking. It is an integrated package which has features right from **diarizing** of receipts/files, updating its status, opening of new files, tracking the movement of the files, dispatch of letters/files and finally records management.

Technologies that aids a judicial officer to function effectively in justice delivery.

This comprise of the Technologies used to support the activities of the Judges/Magistrates to enhance the administration of justice.

➢ **Video Conferencing:**

This is used to connect people in different physical locations especially for meetings and discussion. Video conferencing facilities allow the court to talk to witnesses from any location. It can be used to enable testifying witness appear in the court without having to travel to the courtroom. Video conferencing in the court system offers significant cost savings and improved security by reducing the need for high security prisoner transport.

➢ **Voice Recognition/Detection Software.**

With a good quality and well practiced Voice Recognition software, a judge can dictate a judgment to the computer, which will directly convert such dictation into a readable language. This will not only

minimize dependence on staff of the court but also save time and man power.

➢ **Court Recording and Transcribing System (CRTS).**

This is a system used to record the whole process of court proceedings before judges in the open court, so that the whole court proceeding can be stored in audio video format for reference and long term preservation. This application also allows for automated transcription.

How then, does the above Technology improve the quality of justice delivery at the Magistrate Courts?

1. **Efficient Judiciary.**

ICT will address the long –term goal of reducing repetitive tasks and the duplication of efforts. With the basic technologies, it is possible for a judge or magistrate to type out and produce a decision directly on the computer in a much faster way. It is possible to manipulate different documents through copy, cut and or paste, or work from templates. With Information Technology, it is possible to store the document, and retrieve it very fast, search for other documents without having to move from one table to the other.

Judgments, decision and or rulings can be produced much faster in final form for release to the parties. The said decisions, judgments or rulings can be transmitted into a court system database to which judges, magistrates and the public may have access should they need to use the same for whatever purpose. With reports generated by court system in an automated form, the magistrate will stand a better chance to conduct sophisticated case monitoring, compilation of/or reports and statistical

analysis. This could be used to improve their performance and address their lapses.

Thus, ICT will enable the judiciary to execute the court functions in a much faster and in efficient ways. For example, the recording and the entry of the case information by the clerks and the writing of judicial orders and Judgment becomes much faster with improved efficiency and effectiveness. Technology can increase opportunities to control the proceedings.

2.   Improved Access to Justice:

Access to justice and transparency in judicial process are very important, an informed citizenry is always a good asset. ICT helps to make our court system more accessible to court users, litigants and the general public by making the judgments, hearing calendar, court procedures and case information available over the Internet.

3.   Quality of Justice:

ICT also helps the court to improved quality of justice delivery –this is by promoting accountability, transparency, and non- arbitrary decision making under the rule of law. ICT can do this by giving judges better access to the laws and to tools that can make them more effective. ICT can also achieve the objectives of accountability and transparency by giving the public quick access to the Court's judgments, procedures and case information.

4.   Reduced Time and costs.

Timeliness is generally considered to be a very important aspect of the services of the courts. **I**nformation technology has introduced a mechanism that can save a lot of courts time and cost which was

previously wasted on rework involved at the time of registration and management of cases. Today finding the status of the case and retrieving of case records is made easily through the system. Reductions of paper, photocopy, postage and courier costs are greatly minimised. For large volume of users, there are customisable user templates or forms enabling users to save any standard data and re-use it as required for future electronic lodgments.

5.   CASE DELAY/POSTPONDMENT.

Today in Nigeria, court users, when comparing the issue of delays with other problems affecting the justice system, considered delays the most important obstacle to using the courts; the majority perceived the length of the process as the most serious problem. Business people also seemed generally unsatisfied with the time required for the dispensation of justice. Information technology thus provides a system to avoid any delay in case disposal, the system is capable of sending reminder email to the registrars and judges who handle cases when a particular case is still deferred after certain stipulated time. This automatic reminder of cases leaves less room for any dropout of cases heard in courts which was always previously overlooked.

6.   WORK PROCESS. (Automatic case distribution among judges).

ICT provides a platform where the entire judicial work processes will become significantly efficient. The process of capturing certain information like name of parties, nature of the case, subject matter of the dispute, relief claimed, generation of order sheets, preparations of summons can be done

with ease through the use of information technology. e.g. with case management system, cases are registered and they are automatically scheduled and distributed between judges. This allow for fair workload of judges in terms of number of cases they handle. This in essence will eradicate the backlogs of cases because cases are assigned accordingly between Judicial officers, to ensure fair workload.

7. INFORMATION SECURITY.

The use of ICT guarantees the security of information more than before. This is because only authorized persons to a particular case will be able to have access to it, while the case is still in hearing process.

8. RECORDING OF EVIDENCE:

Trial courts are the courts which basically record the evidence on disputed facts and render judgment by applying the principles of law. Recording of evidence correctly in a transparent way is an essential task. With information Technology recording of evidence can be done in open court.

9. DIGITAL SIGNATURES:

Information Technology creates a lot of conveniences one among them is digital signatures. With digital signatures, pleadings can be made easier, by utilising electronic signatures so that lawyers are not buried in the administration of signing thousands of summons to be issued before the court. Courts can also issue summons electronically instead of manually, which in the long term saves time and money.

10. WEBCASTING:

This is the method of broadcasting live audio and video in real time to audiences all over the world via the internet. Webcasting ensures transparency and accountability, creates awareness and increase accessibility.

11. SOCIAL MEDIA TOOLS

(i). FACEBOOK.

With over a billion active users, in just ten years, Facebook has become a worldwide social media tool. Recognizing this, courts could create their own Facebook presence to better connect with court users, news media, public, etc. This will afford courts the ability to do several things well: Make available short and long term information about the court in a primary medium that users use to seek such information. This could include notifications of special events, training opportunities, awards, and other information that is time-sensitive; Act as a portal to guide users to the court's regular Internet web site, where more detailed, full information is usually found;

All of these abilities serve to increase court transparency, accessibility, and accountability, fulfilling the fundamental goal of "open justice."

(ii). YOUTUBE

YouTube is also one of the most used Internet search medium, courts can greatly enhance the ability of outsiders to access digital court information with a YouTube presence.

YouTube acts as a portal to guide users to the court's regular Internet web site, where more detailed, full information is usually found.

Enhancing the training of users of court services, training videos posted to YouTube are a very common use of this medium, helping court users understand not only basic information (where is the court, directions, parking, what to wear to court, court fees, etc.) but also complex procedures (how to e-file a pleading). Videos can also be used internally for court staff. It Provides multimedia content (primarily video) that can be a much more effective communication medium than text - some members of the public prefer, and learn better from, a multimedia experience.

YouTube being a powerful medium, if properly harnessed could also increase transparency and accessibility.

(iii). TWITTER

The Twitter micro-blogging platform can be a very effective means to quickly and easily communicate information with appropriate target audiences. As of February 2014, Twitter has 243 million active monthly users.

Courts could primarily use Twitter to interact with the news media, litigants/ lawyers, and as part of an emergency management and notification system.

Twitter could afford opportunities to the court like- Real-time communication with the news media, easily and quickly posting court/case updates directly from the court, adding content to websites or sending e-mails.

CONCLUSION

In the emerging information society, where knowledge and information are treated as the core economic variables, the desire to process and disseminate the variables in easier, more appealing, sophisticated and convenient way has kept the technology driving. This is because convenient and technology go hand in hand as convenience is the output of advanced technology systems.

The advancements of information technology in the court systems are a necessary transformation for not only the Magistrate courts but also to the entire Nigerian Judiciary.

A useful element to take into account in the analysis is the kind of adoption the different technologies need: Judges, court clerk, litigants, lawyers etc.

The functional information technologies are meant to improve the work of single users. If other people around the organization do not adopt it, the performance of the user is unaffected. Magistrates that adapt this stand-alone technology and sustain it have kick started a process of obtaining a Digital immigrant visa to becoming a Digital Native of the Nigerian Judiciary.

On the other hand organizational tools need to be collectively adopted by the organization to perform well. Thus for an improved quick justice administration, all combined efforts of all the stakeholders such as administrative personnel, Judges, Lawyers, Litigants and witnesses as well as the community and the public institutions which constitute the environment within which the court traditionally operates must adapt this new ways to approach the justice system, if not, time may come when the institution may not be recognized.

Change will come even if we do nothing, but it will not be the change we want. Thomas Friedman once said, just coasting along and doing the same old thing is not an option any longer, in other words he stated that: "if all you ever do is all you have ever done, then all you will ever get is all you ever got". Information and Communication Technology has come to stay we must embrace it to improve the quality of our justice delivery.