

ORGANISATION AND MANAGEMENT OF CASE DOCKETS

BEING A PAPER PRESENTED BY:

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AT THE

**NATIONAL WORKSHOP FOR REGISTRARS,
COURT CLERKS AND BAILIFFS**

THEME

**TOWARDS IMPROVING THE QUALITY OF
JUDICIAL SERVICES IN NIGERIA**

HELD AT

**ANDREWS OTUTU OBASEKI AUDITORIUM,
NATIONAL JUDICIAL INSTITUTE, ABUJA**

ON

WEDNESDAY, 11TH SEPTEMBER, 2019

“ORGANISATION AND MANAGEMENT OF CASE DOCKETS”

BY:

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(PROTOCOL)

1.1 Introduction

Before I delve into the main business of presenting the paper, I wish to first and foremost, express my profound gratitude to the amiable and visionary Administrator of the National Judicial Institute (NJI), Hon. Justice R. P. I. Bozimo, OFR, the indefatigable Directors of Studies and Research, Mrs. Maryam Titi Kawu and Mr. Gbenga Omotesho respectively, and indeed, the entire management team of the National Judicial Institute, for affording me this rare honour and privilege of considering me worthy of nomination, and entrusting me with the responsibility of making a presentation on the above captioned topic, towards adding value to the fulfillment of one of the core mandates of the Institute, to “conduct courses for all categories of Judicial Officers and their supporting staff with a view to expanding and improving their overall knowledge and performance in their different sections of service”, as enshrined in Section 3(1) of the enabling Act of the NJI.² That is why I consider the theme of this Workshop: “**Towards Improving the Quality of Judicial Services in Nigeria**”, very apt, having regard to the fact that the target category of participants occupy key positions and undoubtedly perform very vital roles in the dispensation of justice in the Country.

1.2 Contextual Definitions

It is obvious from the topic under focus that it has four key terms, to wit: ‘**Organisation**’, ‘**Management**’, ‘**Case**’, and ‘**Dockets**’. Although we may have

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2. National Judicial Institute Act, Cap. N55, Laws of the Federation of Nigeria, 2004.

been familiar with all the terms according to our various perceptions, I nevertheless think they require some clarifications by way of definitions in order to properly situate them within the context of our discourse.

“Organisation” – The Webster’s Dictionary³ defines “Organization” as the “way in which something is organized”. And to enable us comprehend the word “organized” (or “organize”), the same Dictionary gives its meaning as: “to arrange the parts of (something) so that it works as a whole”.⁴

“Management” has been defined⁵, as “managing” or “being managed”. And as regards the term “managed” (or “manage”), the same Dictionary explains that it means “to exercise control over (something); to handle; to manipulate” The term “manage” also means, “to succeed in doing something, especially something that requires a lot of effort or skill”⁶ “Management” has also been defined as the process of dealing with, or controlling things..., or judicious use of means to accomplish an end”.⁷ It could also said to be the act or skill of dealing with people or situations.

“Case” – In the context that fits our discourse, the term “Case” has been defined as “a dispute between two parties that is decided in a court of law”.⁸

“Docket” has been defined as “an official court record book which lists all the cases before the court and which may also note the status or action required for each case”. It further explains that “docket” is “a formal list of cases registered with a court of law and set down for trial or hearing... It is from the docket that a court’s calendar will be generated”.⁹

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3. The New Webster’s Dictionary of the English Language (Lexicon International – Publishers Guild Group, New York, 2000) P. 707
 4. Ibid., @ P.707
 5. Ibid., @ P.605
 6. www.macmillandictionary.com - Accessed on 08/08/2019 @ 12.10am
 7. www.merriam-webster.com - Accessed on 08/08/2019 @ 12.20am
 8. www.lexico.com – Accessed on 08/08/2019 @ 12.30am
 9. www.duhaime.org/LegalDictionary – Accessed on 04/08/2019 @ 11.40pm

In a related development, the Black's Law Dictionary¹⁰ defines "docket" as "a formal record, entered in brief, of the proceedings in a court of justice. A book containing an entry in brief, of all the important acts done in court in the conduct of each case, from the inception to the conclusion." It is further explained in the Black's Law Dictionary that 'the name of "docket" or "trial docket" is sometimes given to the list or calendar of causes set to be tried at a specified term, prepared by the clerks for the use of the court and the bar.

It is pertinent to state that a "docket" contains the summary of the basic information about cases filed and being heard in a court. This generally includes (i) the judicial division; (ii) the name of the court; (iii) the case (or 'docket' or 'index') number; (iv) the Judge(s) assigned; (v) the names of the parties; (vi) the nature of the suit; (vii) the type of claim or relief sought; (viii) in criminal cases – the nature of charge or criminal information; (ix) the state or stage of the case – whether it is for service of processes, mention, hearing, defence or judgment; and (x) the counsel(s) or attorney(s) in the case.

Dockets also contain a summary of most, if not all, of the documents in each case pending in the court, as well as a record of certain events in the life of the case. Furthermore, dockets provide an ongoing record of the cases, allowing attorneys or parties to obtain information, monitor filings and avoid missing deadlines or being taken by surprise in processes filed by the opponents against their clients or potential clients.¹¹

Docket management is therefore, the coordination of court processes and resources so that court cases progress in a timely fashion from filing to disposition, by ensuring that timelines set by the Rules, and credible trial dates set by the Judge are strictly complied with, throughout the life of a case.

10. Black, H. C: Black's Law Dictionary - Sixth Edition, (St. Paul, Minn. West Pub. Co., 1990), Pp. 480-481.

11. <https://legaldockets.com> - Accessed on 08/08/2019 @ 12.40am

It should be noted that generally, docket management and control of courtroom proceedings are particularly within the province of a trial court Judge. Thus, typically, a Judge has inherent jurisdiction to control and manage his docket. That is to say, a Judge has inherent power to take whatever reasonable actions he considers necessary to manage his courtroom docket or caseflow.

However, the intricacies involved in the organization and management of case dockets at various stages from filing, through service of processes, to the setting down for hearing, judgment and execution, as well as security of records and exhibits, to settlement and processing of records for appeals (where need be), and other sundry duties, are so numerous and enormous that it is practically impossible for a Judge or Magistrate to handle all of them. That is why the role played by Legal Researchers, Registrars, Court Clerks, Bailiffs, Secretaries, Protocol Officers, etc (generally referred to as “support staff”), is invaluable and indispensable in the organisation and management of case dockets towards the attainment of speedy dispensation of justice.

Indeed, the importance of the various roles you (the Support Staff) play in the justice delivery sector was lauded and reiterated by a former Chief Justice of Nigeria, Hon. Justice Mahmud Mohammed¹², when he said:

“Though you may be burdened by several inadequacies, you have continued to labour in the boiler room of the Judiciary, oiling its wheels and keeping the engine of justice turning purposefully, so as to facilitate the smooth administration and dispensation of justice... As Court Registrars, Process Clerks and Bailiffs,... your functions are interwoven with those of our Judicial Officers. You must therefore be proactive in the discharge of your duties and ensure proper coordination among your various offices in order to prevent delays in the dispensation of justice, while working together to maintain public confidence in the Judiciary”.

12. Hon. Justice Mahmud Mohammed, CJN, GCON, *FNJI*: “Keynote address delivered on the Occasion of the Opening Ceremony for the 2016 Refresher Course for Secretaries, Protocol Officers, Court Registrars, Process Clerks And Bailiffs, held on 9 - 13 May, 2016” at the Andrews Otutu Obaseki Auditorium, National Judicial Institute, Mohammed Bello Centre, Abuja

Thus, since this Workshop is specifically targeted at reorientation of Registrars, Court Clerks and Bailiffs, for better performance “Towards Improving the Quality of Judicial Services in Nigeria”, the question I consider apposite to pose at this juncture is: What is the role of Registrars, Court Clerks and Bailiffs in the Organisation and Management of Case Dockets?.

I have already alluded to the fact that from the moment a case is filed till even after it is heard and disposed of (and sometimes, there may be need for its execution), apart from the actual acts of hearing of the case, writing of the manuscript copy of the judgment or ruling, and hearing any post-judgment applications, most of the work that drives the smooth handling and quick disposal of a case is carried out by you, the supporting staff.

Thus, in order to fully appreciate the enormity and indispensability of the work you do, I consider necessary to set out, albeit briefly, the functions that each of the target category of my assigned topic, performs, or is expected to perform in the process of the organisation and management of case dockets, and at the end, proffer some suggestions for improvement.

1.2 The Functions or Roles of Registrars, Court Clerks and Bailiffs in the Organisation and Management of Case Dockets

1.2.1 Chief Registrars

Although Chief Registrars are not participants at this Workshop, it is however deemed necessary to briefly highlight their functions here in view of the important position they occupy and the supervisory role they play over all other categories of Registrars and staff.

Chief Registrars and Deputy Chief Registrars are essentially Principal Administrative Officers, while Registrars, Court Clerks, bailiffs and other staff are generally referred to as Support Staff. In Nigeria, under the Sheriffs and Civil

Process Act, all the strata of Superior Courts of Records are required to have Chief Registrars, Deputy Chief Registrars, Registrars, Court Clerks and bailiffs¹³ who also double up as Sheriffs¹⁴ and Probate Registrars as well.

A Sheriff is defined in the Black's Law Dictionary¹⁵ inter alia, as ... an officer responsible for law enforcement and administration, who also executes civil and criminal processes and generally carries out judicial mandates. A Deputy Sheriff on the other hand is required to be a fit and proper person who shall be subject to the general control and direction of the Sheriff.¹⁶

The functions of the Chief Registrar or Chief Sheriff are enormous. The Chief Registrar is the Chief Record Keeper, Chief Sheriff and Chief Executor of all court orders. He is the Accounting Officer. He is the Administrative Head of the Judiciary, answerable only to the Head of the Court from whom he takes instructions and directives. The functions of the Chief Registrar are therefore both statutory and administrative. His statutory functions can be found under Sections 7-12 of the Sheriffs and Civil Process Act¹⁷, and other similar Rules of Superior Courts.¹⁸

1.2.2 Registrars

In all the strata of superior courts of records in Nigeria, there are categories of Registrars below the Chief Registrars and Deputy Chief Registrars, These include 'Process Registrars' (also referred to in some courts or jurisdictions as 'Litigation Registrars'), 'Registrar Appeals', 'Probate Registrars', etc. I believe

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13. See also: Section 6 of the Supreme Court Act, 1960; Section 26 of the Court of Appeal Act, No.7, 2016; Section 37 of the National Industrial Court Act, 2006
 14. See Sections 3 - 5 of the Sheriffs and Civil Process Act, Cap. S6, Laws of the Federation of Nigeria, 2004
 15. Black, H. C: Black's Law Dictionary, Op. Cit, P. 1376
 16. See: Section 4 of the Sheriffs and Civil Process Act.
 17. Ibid
 18. See for example, Order 60 of the Court of Appeal Rules, 2018.

that most of you (participants at this Workshop) fall within the ambit of one of the above listed categories. It is these categories of Registrars that are usually actively saddled with the day to day organization and management of case dockets.

At the level of the lower courts (i.e the Magistrates, Area, Customary and Sharia Courts), the Registry is usually headed by the Registrar of Court who supervises the Bailiffs and Clerks of Court, and ensures that they perform their functions cautiously and without inhibition.

Although the functions are multifaceted but essentially similar across board in all strata of superior courts of record, each court has its enabling Law and Rules wherein the functions of Registrars (or Registries) are specified according to its peculiar needs. For instance, under the National Industrial Court of Nigeria (Civil Procedure) Rules, the functions of the “State Registry”, which invariably relate to the management of a Registrar’s case docket, are stated as:

- “(a) Receiving for filing: (i) complaints; or (ii) originating summons; or (iii) interim applications; or (iv) interlocutory applications; or (v) ex parte motion; (vi) motions on notice; or (vii) witness statement on oath; or (viii) any other process.
- (b) Transmitting processes filed to the nearest Judicial Division for necessary action;
- (c) Issuing hearing notices to parties or their counsel, as may be required;
- (d) Serving court processes on parties in a suit before the Court;
- (e) Providing service of Commissioner for Oaths for affidavits or any other oath;
- (f) Performing any other function as the President of the Court or a Judge of the Court may direct from time to time¹⁹”.

Furthermore, under the same Rules, the Registrar is required to:

- (i) - ensure that a claimant or Counsel, on presenting any originating process for filing and sealing, leaves with the Registry, as many copies of the process as there are defendants or respondents to be served, and one copy for endorsement of service on each defendant or respondent;
- (ii) - certify each copy after verifying and confirming that it is a true copy of the original process filed, and it has been duly signed by the claimant suing in person or by the Counsel otherwise;

19. Order 2, Rule 1(3) of the National Industrial Court of Nigeria (Civil Procedure) Rules, 2017

(iii) - seal every originating process which shall thereafter be deemed to be issued.

The Registrar shall, after sealing an originating process, file it and note on it, the date of filing and the number of copies supplied by a claimant or the claimant's counsel for service on the defendants. The Registrar shall then make an entry of the filing in the Cause Book and identify the action with a Suit Number that comprises the abbreviation of the Judicial Division, a chronological number and the year of filing. Thereafter, the Registrar shall arrange for prompt service of a copy of the originating process and accompanying documents (if any) on each defendant or respondent²⁰.

During the trial of a case, the Registrar still has vital roles to play in the docket management of the court. For instance, Order 19, Rule 12 of the Federal High Court (Civil Procedure) Rules²¹, provides:

“12 (1) The Registrar shall take charge of every document or object put in as exhibit during the trial of an action and shall mark or label every exhibit with a letter or letters indicating the party by whom the exhibit is put in (or where more convenient the witness by whom the exhibit is proved) and with a number, so that all the exhibits put in by a party (or proved by a witness) are numbered in one consecutive series;
(2) The Registrar shall cause a list of all the exhibits in the action to be made...”

After a case has been disposed in a lower court (such as a Magistrate Court, Sharia Court, Customary Court or an Area Court), if an appeal is filed against the decision before a higher court and notice of same served on the Registrar, he shall, within three months of the decision appealed from, prepare as many certified copies of the proceedings required for the consideration of the appeal as there are

20. Ibid – See Order 6, Rule 1 (1) – (3) thereof. See also: Orders 60 and 61 of the Court of Appeal Rules, 2018; and Order 3, Rule 10(1); Rule 11(1); 12(1) - (3); Rules 13 and 14 of the Federal High Court (Civil Procedure) Rules, 2009; and Order 6, Rules 1– 4, High Court of Benue State (Civil Procedure) Rules, 2007.

21. Federal High Court (Civil Procedure) Rules, 2009. See however, Order 37, Rule 24(1) and (2) of the FCT High Court (Civil Procedure) Rules, 2004 – where this duty is assigned to the Court Clerk.

parties on record, and send the copies (along with any exhibits) to the Registrar of the appropriate superior court of record (High Court of the Federal Capital Territory, High Court of State, Sharia Court of Appeal of a State, or Customary Court of Appeal of a State) to which the appeal lies.²²

As regards appeals from any of the above mentioned superior courts of record to the Court of Appeal, where the Rules of Court permit that a Notice of Appeal to be filed in the court which decided the matter before it may be transmitted to the Court of Appeal, upon the receipt of the Notice of Appeal duly filed and all requirements fully satisfied, the Registrar will proceed to register the Notice of Appeal in the Appeal Register Book and open a temporary file for such a Notice of Appeal duly filed. He then issues the conditions of Appeal and this includes the bond for the cost of Appeal. He also gives the period during which the conditions of the appeal shall be perfected usually within thirty days from the day of receipt.

After the payment of the said prescribed deposit and the Appellant has entered into bond, the Registrar will then proceed to issue a “Notice” to the parties to settle the Records of Appeal. The Registrar must ensure that parties agree on what to include and what not to include in the record. Efforts should be made by the Registrar to confine the record to the documents that are material to the determination of the issues raised on appeal.

Furthermore, the Registrar charts the relevant papers of the file(s) supplied by Court (Process) Clerk and the proceedings in the Record Book for compilation, including the Judgment. He then supervises the typing and proof-reading of the record to detect if there is any error, omission or mix-up.

The Registrar (Appeals) shall then ensure the correctness of the following

22. See Order 44, Rules 3 and 4 of the FCT High Court (Civil Procedure) Rules, 2004; and Order 53, Rule 2 of the High Court of Benue State (Civil Procedure) Rules, 2007.

appeal papers which must accompany the record of appeal to the Court of Appeal:

- (i) Index;
- (ii) The Registrar's Statement (stating brief particulars of the case and fees paid);
- (iii) The Notice of Appeal;
- (iv) Bond of Appeal;
- (v) Certificate of Service of Notice of Appeal form;
- (vi) The Certificate of Registrar that the Conditions of Appeal have been perfected;
- (vi) The cost of record of Appeal.

Thereafter, the Registrar in charge of Appeals shall prepare a letter to the Court where the Appellant has appealed to, and copies of Record of Appeal compiled, Exhibits and original Suit File(s) forwarded for the use of the Honourable Justices of the Appeal Court.²³

Barring any peculiar modifications, the above procedure largely reflects the usual outline of how Registrars in courts are supposed to receive and process new matters that have been filed in their courts, and how to process records for appeals in deserving cases.

Apart from the foregoing, it is noteworthy that the following also constitute the primary functions of Registrars in the management of case dockets:

- (i) To attend at such sittings of the Court as the Judge or Magistrate may direct;
- (ii) 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;
- (iii) To make or cause to be made, copies of proceedings when so required by the Judge, and to record the judgments, convictions and orders of the Court;
- (iv) To receive or cause to be received all fees, fines and penalties emanating from matters before the Court and acting upon such order (or orders) made by the Court, and also ensure that all such monies paid Court or deposited in respect of proceedings in Court are deposited in the Court's account;
- (v) To render, (with regard to a Chief Registrar), monthly or quarterly returns of cases, revenue and officials under him to the Chief Judge or other necessary authority, such as the Judicial Service Commission, National Judicial Council and Board of Internal Revenue, as appropriate;

23. See Buetna'an, M. B. (Mrs); Management and Security of Exhibits and Records: The Role of Secretaries, Process Clerks and Bailiffs - A Paper Presented at the Refresher Course for Secretaries, Process Clerks and Bailiffs on 9th May, 2016, at the National Judicial Institute, Abuja.

- (vi) To certify true copies of Judgments of the Court or Orders drawn therefrom, for the endorsement of the Judge or Magistrate;
- (vii) To ensure, through the Bailiffs of Court, that Judgments or Orders are complied with, respected or obeyed (otherwise known as Execution of Judgments or Orders);
- (viii) In case of probate matters, the Probate Registrar must ensure that the proper and necessary steps are taken before the issuance of Letters of Administration, and to also keep proper custody of all Wills deposited in Court²⁴;
- (ix) To take custody and/or ensure proper security of record books, case files and exhibits²⁵.
- (x) To perform or cause to be performed such other duties connected with the Court or cases as may be assigned to him by the Judge or Magistrate.

1.2.3 Court Clerks

The Court Clerk is an official in charge of the records of the Court. He maintains schedules of trials, files and documents frequently needed by the Court. He works directly under the supervision of Court Registrar and his roles in relation to the organisation and management of case dockets includes:

- (i) Preparing the cause list, showing all cases for the day or for the whole week. (The list is made out from the court diary, kept by the clerk);
- (ii) Making arrangements for court sittings;
- (iii) Sitting in court with the Judge/Magistrate and attends to the needs of the Presiding Officer and the Lawyers/Litigants;
- (iv) Mentioning each of the listed cases for that day on the directive of the judicial officer;
- (v) Maintaining orderliness in the courtroom during court sittings;
- (vi) Interpreting court proceedings from English language to the local dialect of parties who are either illiterates or, prefer to testify in their local dialects, and vice versa;
- (vii) Keeping track of the court's performance statistics and ages of the cases on the court's docket, and reminding the judicial officer as to which cases deserve to be given priority;
- (viii) Keeping in safe custody, record books, registers of cases filed, exhibits tendered, subpoenas served on witnesses, cases disposed, convictions, among others;
- (ix) Taking charge of every document or object put in as an exhibit during the trial of an action and marking or labeling every exhibit with a letter or letters indicating the party by whom the it is put in (or where more convenient, the witness by whom the exhibit is proved) and with a number, so that all the exhibits put in by a

24. Buetna'an, M. B; Ibid.

25. Ja'afar, M; Ensuring Security within the Judicial Premises: Role of Secretaries, Court Registrars, Process Clerks and Bailiffs; <https://www.academia.edu/28631106> - Accessed on 19/08/2019 @ 4.30am

party ... are numbered in one consecutive series, making a list of all the exhibits in the action and attaching them to the pleadings to form part of the record of the action”.²⁶

- (x) Endorsing case files to show a brief of what transpired in the court on every sitting day, and indicating the action that is to be taken on the next adjourned date;
- (xi) Preparing court orders, rulings and record of proceedings at the directive or instruction of the Court Registrar.
- (xii) Compiling the monthly volumes of court rulings and court judgments.
- (xiii) Filing court processes such as summons, hearing notices, motions, affidavits, counsel’s address, etc.

1.2.4 Bailiffs

As stated earlier, Section 5 of the Sheriffs and Civil Process Act²⁷, empowers the Sheriff or Chief Registrar to appoint such numbers of persons as bailiffs as may be necessary. The Black’s Law Dictionary²⁸ has described a “Bailiff” as a Court officer who maintains order during court proceedings or a sheriff’s officer who executes writs and serves processes. The Bailiff performs the duties of the Sheriff under the control and close oversight of the Sheriff or Registrar. The roles of the Bailiff in relation to organization and management of case dockets thus includes:

- (i) Service and delivery of all Court Processes on litigants, counsel or an established body including Writ of summons, originating summons, petitions, applications, affidavit, statement of claim, statement of defense among others appropriately.
- (ii) Making depositions of proof of service of any court process served by him, stating vital information as to who accepted service of the processes, as well as the place and time service of the said process(es) were effected.
- (iii) Keeping daily or up to date record in a Court register, of all the processes issued and served by him.
- (iv) Submitting regular or periodic returns (daily, weekly, monthly, etc) of processes served;
- (v) As an officer in the temple of Justice, ensuring that Judgments and Orders of the Court are duly executed;
- (vi) In carrying out the order of the court to vacate a premises or building, he must take inventory of all the property found in the premises in the presence of a Police

26. See Order 37, Rule 24 (1) - (3) of the High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules, 2018

27. Cap. S6, Laws of the Federation of Nigeria, 2004.

28. Black, H. C: Black’s Law Dictionary, Op. Cit, P. 141

- officer especially where the door or doors of the premises was forcefully opened;
- (vii) Depositing the property attached by the Bailiff under movable items in safe custody in the court premises;
 - (viii) Taking custody of seized goods, which are kept at the Court premises for such reasonable period of time as the owner may be able to come forth and redeem same, unless the goods are perishable in nature - in which case they could be sold at a public auction as the court may direct;
 - (ix) Depositing the proceeds of goods sold under Writ of Execution with the Sheriff or a dedicated account of the court for such purposes;
 - (x) Keeping duly certified sale accounts where money collected in court is recorded;
 - (xi) Performing such other related duties as may be assigned²⁹.

1.3 Challenges to Effective Organisation and Management of Case Dockets

Although the functions of the three categories of court employees under focus, which I have enumerated above, are the ideal roles which they ought to perform towards achieving effective organisation and management of case dockets for the attainment of optimum results in the dispensation of justice, it is unfortunate that there are several challenges militating against the realization of that lofty objective. While most of the challenges are caused by inadequacies arising from the judiciary itself and the society, some are however caused by the staff, either due to inefficiency or corruptive tendencies as could be seen below:

(i) **Inadequate Training:** While some court employees 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. This deficiency seriously affects the level of efficiency with which the untrained staff would otherwise, have performed to achieve maximum results. For instance, while a an inadequately trained Registrar may find it difficult to cope with numerous duties of his office (drafting of simple writs for indigent litigants, filling of various Court Forms, etc), an ill-equipped Court Clerk may find it difficult to properly interpret proceedings from

29. See: Ja'afar, M; Ensuring Security within the Judicial Premises: Role of Secretaries, Court Registrars, Process Clerks and Bailiffs – Op.Cit. See also: Adeshina, M. A; “The Role of Registrars, Secretaries, Court Clerks and Bailiffs” - A Paper presented at the Refresher Course for Registrars, Secretaries, Process Clerks and Bailiffs, on 11th May 2016, at the National Judicial Institute, Abuja.

local dialect of parties to English language and vice versa, while an illiterate Bailiff may not conveniently make endorsements or certificate or affidavit of service. Cases also abound of insufficient or outright lack of knowledge and training on the use of Information and Communication Technology (ICT) which is now the best medium for effective and efficient storage and management of records.

(ii) **Occupational Hazards:** Some court employees, especially Bailiffs whose duties include the service of process and execution of judgments face challenges of travelling to and through unfamiliar territories and encounter a lot of risk which may include injury suffered as a result of accidents on the roads. 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. Also, in highly sensitive cases like those involving political interests and levying execution on judgment debtors, the respondents view the bailiffs as antagonistic or “bearer of bad news”. Thus, they are sometimes inflicted with injury by an irate party and on whom service is to be effected.³⁰

(iii) **Lack of a Dedicated Pool Fund for Service of Process in most courts:** It has been observed from experience that apart from the Federal Courts, most courts in Nigeria do not have a dedicated pool fund for Service of Process. What has been observed over the years is that while costing a process which has been filed by a party and slated for service, the costing from the registry will usually indicate that an amount has been charged for “Mileage” or “Service Kilos”. Yet, the amount so indicated as meant for service is never excised and given to the Bailiffs to use for the purpose of effecting service. Rather, the whole fee is paid into the public treasury as ‘internally generated revenue’. Thus, litigants are faced with having to pay another amount of money for service of their process. Hence, so long as the

30. Maiyaki, T. B; An Appraisal of the Role of Bailiffs in the Dispensation of Justice In Nigeria; <https://www.academia.edu/28631106> - Visited on 20/08/2019, @ 11.45pm

litigant is yet to pay for such service, the process remains pending in the Registry and the case begins to suffer an inordinate delay right from its inception. On the other hand, if litigants or their Counsel mobilize and fund the service of Court processes, this, to a certain extent places the outcome of cases before the Court in their hands and under their whims and within their discretion and manipulation. This is so because, a litigant or his counsel can, for all intent and purposes, determine when a process is served, and whether or not a process is served. After all, a popular adage says that ‘he who pays the piper dictates the tune’.³¹

(iv) **Denial of Service:** Sometimes, the parties, realizing that their cases are not competent, seek to deny service, knowing that a case can be set aside on this ground. In the past, in a bid to curtail this problem, it was commonplace for the Court or Bailiff to require the Plaintiff or his representative to be present, to personally identify and witness the service of originating processes on the defendant, where possible. However, it is not always possible for a litigant to carry around an officer of the Court when he should be attending to other engagements.

(v) **Poor salary and welfare packages:** In view of the fact that most of the non-legally qualified support staff are on very low grade levels in the scheme of service, their salaries and allowances are correspondingly low, a factor that combines with poor working environment in most courts across the country, and thus, leads to low morale and poor attitude to work.

(vi) **Inadequate Facilities and Equipment:** Insufficient office accommodation and dearth of furniture equipment is also rampant in most courts across the country. It is surprising to note that some courts, especially those in the rural areas still rely on manual type writers in an era where computers and digital facilities are now in vogue. Sometimes, even the basic stationery with which to prepare daily

31. Ojediran, I; Judicial Corruption: Beaming the Searchlight on Non-Judicial Staff ; <https://www.academia.edu/37104835> – Accessed on 20/08/2019 @ 11.45pm.

cause-lists may not be available. Some courts do not have adequate facilities for storage of exhibits and/or records, such that vital exhibits/records are often left uncovered, either in offices or on corridors of offices, where they could be pilfered or damaged by natural forces like rain, wind or dust. These anomalies have serious debilitating effects on the speed and accuracy with which support staff could have been doing their work.

(vii) **Inadequate Support Staff:** Instances abound where in some lower courts especially in the rural areas, there could be only two or three staff to man the court. Most times, there are no competent Registrars or Clerks of Court to interpret proceedings. Thus, one single staff who sometimes is merely a Bailiff, may combine the duties of the Registrar of Court, the Court Clerk, and would still have to carry on his originally assigned role as a Bailiff, where the need arises. This situation seriously affects the speedy management and case dockets in such courts.

(viii) **Lack of Supervision:** Where support staff are not under strict supervision and checks, they often leave their assigned duties and go out to commit unwholesome acts such as soliciting for patronage from the public for purposes of preparing affidavits or other processes for monetary consideration, etc, which are acts forbidden by Order 2 (A)(4)–(6) of the Code of Conduct for Court Employees.

(ix) **Corruption amongst support Staff:** Judicial corruption has been defined as “...the use of public authority for the private benefit of court personnel when this use undermines the rules and procedures to be applied in the provision of court services”.³² Most often, when corruption in the Nigeria’s Judiciary is discussed, commentators usually look at the Judges, jettisoning the audacious way corruption is being perpetrated amongst some support staff (including Court Registrars, Court Clerks and Bailiffs) which also hampers on the integrity of the judicial system.

32. Langseth P. and Stolpe. O; Strengthening the Judiciary against Corruption; International Year Book for Judges, Australia, 2001.

There are situations where a Court Registrar will demand for unauthorized monies, gratifications and kickbacks from litigants and counsel before performing his normal job. For example, before a party can get the Certified True Copy of a Judgment, Record of Proceedings or Enrolled Order, he must not only pay the prescribed fees for the certification, he must also tip the Registrar who will process the application. There are other examples where a Registrar will conspire with a counsel to hide a particular case file for whatever reason or inform a party of a matter filed without notice, which is supposed to be heard *ex parte*. Some Bailiffs, after collecting the prescribed monies for service of court papers, will also demand for their own “logistic fees” which is not provided for in the Rules of the Court.

These acts are done in clear violation of the Rule 3 (A)(2) of the Code of Conduct for Court Employees, which provides that “a court employee 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”. There have also been allegations that bailiffs connive with litigants to fake actual service of court processes, hearing notices and also commit forgery of endorsement of service on the court records with aim of ensuring the absence of the defendant who will neither be aware of the impending law suit, nor enter appearance nor defend the claim. It has also been alleged that bailiffs sometimes refuse to serve judgment entered against the defendant in order to allow the plaintiff to move the court to levy distress or execution upon the defendant’s property for non-payment of his judgment debt. The examples are legion and cannot be exhausted here.

These attitudes and acts make a mockery of the judicial system and pose a grave challenge and impediment to the proper organisation and management of case dockets for attainment of quick dispensation of justice in our courts.³³

33. Ojediran, I; Judicial Corruption: Beaming the Searchlight on Non-Judicial Staff; <https://www.academia.edu/37104835> – Accessed on 20/08/2019 @ 11.45pm.

1.5 Recommendations for Reforms

Taking into cognizance all that I have analyzed above, I propose that the following recommendations be implemented towards improving the organisation and management of case dockets in our courts by Registrars, Court Clerks and Bailiffs:

1. Employment mechanisms must be strengthened to ensure that the right people, and indeed, competent ones, are employed so that dishonest practices can be reduced to the barest minimum. Towards this end, Registrars, Court Clerks and Bailiffs employed should be administered the Oath of Allegiance and Oath of Office so that they may be held strictly accountable where there is any breach.
2. Appointees to the offices of the Registrars, Court Clerks and Bailiffs must be knowledgeable, must be of outstanding moral character and integrity, and they should be given specific functions and respective schedules which should be adhered to strictly. It is therefore imperative that Chief Registrars of Courts and their management teams undertake regular scrutiny of their support staff, and prompt and appropriate disciplinary actions should be taken against any staff found wanting to serve as deterrence to other staff. There is equally the need for Judges to effectively perform oversight functions from time to time, in order to check the activities of the support staff working under them.
3. Government should adequately fund the service of court processes particularly where poor and indigent litigants are involved so that the act of corrupt Registrars, Court Clerks and Bailiffs will not deny them access to justice.
4. Provision must be made for “Suggestion/Complaint Boxes” which should be mounted in strategic locations within the premises of Courts for Court users to channel their complaints and possible suggestion(s) to the Head of Court. An officer should also be detailed to regularly retrieve same and forward to the Chief Registrar or Head of Court for appropriate actions.
5. There should be regular training and retraining of court employees to enable them understand their responsibilities, and equal opportunities and treatment should also be given to all staff in respect of training, posting and other incentives.

6. There should be enhanced remuneration and improved working conditions for staff to boost their morale and discourage them from abdicating the vital roles they play in the organization and management of case dockets. Towards this end, concerted efforts must continuously be made to ensure that the immediate and full implementation of Bill which was recently accented to by the President of Nigeria, granting full autonomy and financial independence to the Judiciary, to make room for improvement on remuneration, working environment and facilities for staff.
7. The Code of Conduct for Court Employees is a good piece of subsidiary disciplinary legislation, and should be imbibed and strictly adhered to by support staff, as doing so would greatly surmount some of the challenges, especially those caused by Registrars, Court Clerks and Bailiffs.
8. Heads of Courts should ensure that necessary Information and Communication Technology (ICT) tools are available to support staff to facilitate effective organization, management, safe storage and easy retrieval of records. In this regard, I highly commend the wisdom of the National Judicial Council for the circular it recently issued, dated 6th August, 2019, directing “All Heads of Courts” to employ specialized staff who “must have a minimum of SSCE (and) must be computer literate”, and to also “provide computer systems, internet access and working space” for such staff for the purpose of their being trained in the art and science of “transmission collation, analysis and report generation of Cases electronically” as “it has become imperative to capture the full details of Pending Cases in the Superior Courts of Record”. I suggest that this commendable initiative should be extended to cover all courts.
9. Where bail is granted to an accused person, the Judge or Magistrate should ensure that his Registrar does not impose and enforce any condition(s), other than those stipulated by the court to avoid situations where Registrars and Court Clerks at times exploit relatives of accused persons who apply to take them on bail, on the pretext that the monies they impose and collect would be transmitted to the judicial officer before he approves the bail application.
10. The fees payable by parties in respect of filing of papers/documents regarding a suit to be adjudicated upon by the court should be publicized so that court employees can be prevented from exploiting litigants by charging excess amounts, and dishonestly representing the excess as meant for unspecified “logistics”.

1.6 Conclusion

It is imperative to note that an independent, strong, respectable and responsible judiciary is indispensable for the quick efficient and effective dispensation of justice. To have such a desirable institution, there must be a functional registry, which is run by qualified and dedicated Registry Staff. It is my hope therefore that the issues I have highlighted herein above will be duly addressed to achieve the desired standard in the organization and management of case dockets in our courts.

In conclusion, permit me to quote once again, the views of Hon. Justice Mahmud Mohammed, CJN, GCON, *FNJI(now retired)*, on the occasion of the Opening Ceremony for the 2016 Refresher Course for Secretaries, Protocol Officers, Court Registrars, Process Clerks and Bailiffs, held at this same venue, from 9 - 13 May, 2016, where His Lordship noted:

“... It would not be flattery to state that our Judiciary cannot run smoothly without your services. Your critical job descriptions, range from record keeping, issuance and service of administrative processes, execution and enforcement of court orders, coordination of court events, management of court archives and exhibits, but to name a few. As such, your cadre of staff has, perhaps more than any other, enormous responsibilities within our Courts. Your capacity must therefore be regularly developed to better position you for optimal and efficient discharge of your duties. It bears reminding that in a modern judicial system, you are the first point of contact that the average court user will have with the Courts. You all give the Nigerian Judiciary's first impression. The way and manner that you conduct yourselves in the discharge of your duties will inevitably colour the perception of the court user and impact upon the quality of service provided and ultimately public confidence in the Judiciary. This is why the display of exemplary conduct by court employees is essential as this will serve as a key indicator of our performance and the satisfaction of court users.”

I am therefore optimistic that your cadre of Court Employees, whose vital roles I have analyzed in this paper, would be given the desirable comfort and wherewithal to enable you perform your duties optimally, as you are indeed, the engine room of the Judiciary and cannot be dispensed with. On your own part, I admonish you to shun all acts that may stain the image of the judiciary, and always endeavour to play your roles diligently towards the attainment of effective organisation and management of case dockets, in order to facilitate quick and efficient dispensation of justice in our courts for the greater good of humanity.

While I cannot lay claim to having exhausted all that ought to have been said on this very important topic, I however hope that I have ignited a debate, and you, distinguished participants, will share your wealth of experience and thoughts in the ensuing robust discussions, so that I too, may in turn, learn from you, what my limited knowledge may have impeded me from adverting my mind to in this paper.

I thank you immensely for giving me your attention.