

**EFFECTIVE CASE MANAGEMENT OF CRIMINAL CASES IN THE
MAGISTRATE COURTS: A PAPER PRESENTED BY HON JUSTICE
HANNATU AZUMI BALOGUN AT THE VIRTUAL REFRESHER COURSE
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INTRODUCTION

Criminal cases form the bulk of cases being handled by Magistrates all over the country. An average Magistrate has hundreds of cases in his or her docket. In some big cities like Lagos and Port Harcourt, the numbers run into thousands. It is for this reason that effective case flow management is crucial to the performance of a Magistrate.

Since justice delayed is justice denied, any delay in the determination of a criminal case can bring about a lot of hardship on the accused person whose fundamental right to fair hearing within a reasonable time will be breached if there is inordinate delay in the determination of his case.

It is not uncommon to have cases drag on for over a year and sometimes even years before they are determined. This could bring about a lot of hardship for example if the Defendant needs to travel out of the relevant state or country or if he is on suspension from his job as a result of the indictment etc.

Case delays could also lead to the loss of potential witnesses who may relocate, loose interest, forget the facts or become otherwise incapacitated by way of illness, death, etc.

The question thus is, how can one manage his or her cases to ensure speedy or speedier disposal of criminal cases? I shall attempt to answer this question in this paper and hopefully generate discussions on the topic that will be helpful in the management of your cases.

Managing cases well will ensure that trial delay is reduced and this will lead to decongestion of our prisons and more public confidence in the Nigerian Judiciary.

Effective case management will ensure the protection of the rights of individuals to fair hearing within a reasonable time. It will also be cheaper for the Defendant who will have to in most occasions pay his counsel to attend court even when the case is adjourned without any progress.

To effectively manage cases, one has to look at the major causes of trial delays and put in place measures to combat or at least mitigate the effect of these causal factors.

TRIAL DELAYS

Some of the major causes of trial delays include the following

1. Absence of witnesses, Defendants, prosecutors or counsel. In many instances, witnesses fail to attend court due to reasons like fear of courts, compromise by the Defendant or complainant, logistic difficulties, lethargy brought about by frequent adjournments etc.

Defendants could be absent due to many factors too including logistic problems if they are in custody. They could also jump bail

The prosecutors or investigators may have been transferred or assigned to urgent security issues etc.

Counsel unpreparedness due to laziness or clash with cases in higher courts or biting off more than they can chew could cause delays.

2. Lack of important facilities like housing, transport, court rooms, furniture, law reports, electricity, etc create a lot of delays in the disposal of cases.
3. lack of motivation in terms of poor remuneration, poor reward system, lack of discipline of erring staff, faulty appointment criteria or the lack o criteria, etc often leads to poor output from some judges.
4. Corruption, incompetence and/or indiscipline on the part of the Magistrate and or staff will lead to serious delays. Things like lateness, adjourning to write every ruling, lack of service, sabotage, missing files or exhibits, undue interference by the 'powerful' could cause delays .
5. Frequent transfers of Magistrates could cause delays where cases must start denovo. Similarly, where a Magistrate has to oversee another court due to shortage of Judges, delays have to occur. So also where there are insufficient court staff.
6. House keeping problems like forgetting to serve or list a case, misplacing files or exhibits, etc can also cause delays.
7. Petitions against Magistrates can also cause delays especially where the superior authority calls for the record book. This can hamper all other pending criminal cases.
8. Frivolous interlocutory appeals or applications for Judicial review could also cause delays. Thankfully some states have enacted laws to prevent a stay of criminal proceedings pending Judicial review.
9. Cognizance cases or holding charges also unnecessarily clog up the cause list of Magistrates and reduce the time they will hear their regular cases.

As stated earlier, trying to find solutions to the above and applying them will result in effective management of your cases

There are several factors that will enhance the management of cases. These include the following:

CHARACTER OF THE MAGISTRATE

To me, this is one of the most important tools in the effective management of cases.

HARD WORKING AND COMMITTED

A lazy or sloppy Magistrate cannot be an effective case manager. So also an uncommitted or disgruntled person. You will need to be hardworking, committed and diligent in the dispensation of your cases. The work is tedious and you need dedication to help you deal with your cases effectively.

INTEGRITY AND FAIRNESS AND ACCOUNTABILITY

Integrity, fairness, diligence, discipline and accountability are all hallmarks off a good judicial officer. You must be punctual and lead your staff by example.

INDUSTRY AND RESOURCEFULNESS

A judicial officer needs to be resourceful and read wide. This way he will enhance his productivity and knowledge. self improvement will always show in the way you conduct your cases. Read law reports and avoid mistakes made by others.

SKILL AND TECHNIQUE

BE METICULOUS

Along with a good character, the Magistrate must be knowledgeable and skilled in the handling of cases. Reading of the case file and relevant case study in the legal issues in the case will help. For example, things like the ingredients of the offence to be proved, the law of evidence and procedure

must be at your fingertips. A lot of criminal cases have been lost because of procedural defects e.g. not recording the fact that there was an interpreter in the case, not informing the Defendant of his right to recall any of the prosecution's witnesses after framing a charge against him etc

ATTENTION TO DETAIL

Even things like failure to maintain a case dairy could become a problem as the registry could decide to omit cases from your cause list for various reasons either corruption, inefficiency or laziness etc.

SET TIME LIMITS

You will also need to monitor your cases. You can set time limits for determination of various cases depending on their complexity. Summary trials can be decided within a few days but cases of fraud could be more complicated as they will usually involve tendering of various documents including in some cases computer print outs etc.

MONITOR YOUR CASE FLOW

Ensure that you monitor your case flow by asking the registry to let you know when the cases are approaching your deadline. Some states have already set deadlines for cases according to their categories. Thus for example, if the deadline for a fraud case is one year, you could make yours 10 months to give room for any unforeseen delays.

MANAGEMENT OF SUPPORT STAFF

LEADERSHIP AND INSPIRATION

As the master of your court, you will need to monitor your support staff. You must provide the required leadership and inspiration at all times. You should be kind to them at the same time firm and businesslike in your approach.

DISCIPLINE AND PRAISE

Discipline and praise are also valuable tools to employ in deserving cases. you must have a zero tolerance for corruption of any kind.

FAIRNESS

You must also treat the staff fairly and without favoritism and nepotism of any type. Acts of kindness e.g. how you respond to their personal issues like illness, bereavements etc will go a long way in enhancing their productivity.

STAFF MEETINGS

Having periodic meetings where you will also hear their problems and challenges with their work and try to solve them is necessary. This could be like twice or thrice a year. Be interested in their promotions, course attendance etc. These things boost the morale of staff especially hardworking and honest ones.

MANAGEMENT OF COURT USERS

MAINTAIN CONTROL

Be polite to counsel and witnesses but be firm as well. Your court is neither a battlefield nor a market place. It is certainly not a circus. Approach your cases in a businesslike manner. Ensure that you give dates for your cases. Don't leave that aspect to your registry or you may hear that dates are being 'sold'.

AVOID UNNECESSARY ADJOURNMENTS

Ensure that your trial dates are firm and don't be too prone to giving adjournments otherwise counsel will come and adjourn your cases and go and handle the ones before stricter magistrates.

BE BUSINESSLIKE

Be strict with prosecutors. They will make efforts to assemble their witnesses if they know you mean business. Don't fix too many cases in a day that you know you can't handle. This will lead to the grant of adjournments which will breed further adjournments.

GENERAL COURT ADMINISTRATION

PROVISION OF GOOD REMUNERATION

No matter how hardworking a Magistrate is, if basic facilities are not provided, he or she cannot achieve much. The issue of proper remuneration for the Magistrates as well as the provision of facilities as highlighted above cannot be over emphasized. This is all the more reason why the judiciary must be given full control of its resources as the constitution has prescribed.

RESOURCES AVAILABLE

Provision of resources is key to an effective case management.. Books, journals, law reports, a conducive courtroom, vehicles, good accommodation, computers etc are all valuable resources that will ensure effective case flow management.

MOTIVATION AND REWARD

Our magistrates must be motivated and rewarded for hard work and honesty while the lazy and corrupt ones should be reprimanded and disciplined. We do not have a good reward system for our courts. Appointments to the higher bench must be based on merit and not favoritism or nepotism or even lobbying. In most cases, the hardworking ones hardly have time to lobby. Attendance of courses both at home and abroad should also be provided to motivate hard work and commitment to service.

QUICK HANDLING OF PETITIONS

The handling of petitions must be speedy as petitions have been used to delay proceedings by persons who know they have a case to answer and the evidence is going against them.

CONCLUSION

The above are just some of the tips to ensure effective case flow management. They are by no means exhaustive. It is hoped that this will generate more discussion on the subject.

I thank you for listening and I wish you a successful course.