

RELATIONSHIP BETWEEN JUDGES OF LOWER COURTS AND COURT STAFF

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PROTOCOL AND PREAMBLE

I recognize and appreciate the presence of the participants and other dignitaries of the Nigerian judiciary fraternity, guests, members of the press and ladies and gentlemen here today. Please permit me to stand on the already established protocol.

This conference is a regular event organized to develop thoughts and ideas for improving justice administration and delivery in Nigeria. Staff in the Nigerian judiciary welcome and laud this initiative, especially the concerted efforts to sustain it as a tradition towards consolidating the strides and gains that the Nigerian judiciary has achieved.

INTRODUCTION

The cliché is that the courts are the last hope of the ordinary person. This statement inferred that the people believe that access to justice, fairness and redress can be attained through the courts. Equally embedded in the analysis of this cliché is the notion of the courts as important components for facilitating the rule of law.

Societies administer and attain law and order, justice and equity through the effective development and application of the rule of law. The rule of law is a principle that affirms that all persons, institutions and entities are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated within a country, state or community. These laws and processes are consistent with international human rights principles –

The rule of law ensures that there are no "sacred cows" and that all persons, groups, entities and institutions are equal and accountable to established laws. This is where the courts have assumed the title and role of the "bulwark of society". It is the sacred duty of the courts to ensure the immutable application of equality of persons on the scale of justice in fair, free, timely and just manner.

However, when the common persons cannot access the courts because of social and economic encumbrances such as distance (locality), time (long litigation), finance (cost of litigation) and literacy, many will deliberately avoid the courts and allow their rights to slide and erode. In some cases, some persons resort to self-help.

It is trite that the lower courts are deliberately designed to facilitate access to justice for people and communities in rural areas in a timely and fair manner. For Nigeria, with its teeming population and size (landmass), it is wise and proper to create lower courts that can facilitate justice delivery to the people. Section 6 (4) (a) of the 1999

Constitution (as amended) provides for the creation of lower courts. These courts include the Magistrate Courts that handle English law cases, the Customary Courts that handle customary law cases, and; the Sharia Courts that handle Sharia law cases.

MAIN ARGUMENTS

Understanding the relationship between judges and workers in the lower court – As we have established, the court's duty is to help interpret laws and settle disputes necessary for promoting law and order, cohesion and accountability. In understanding this relationship we will focus on some main arguments –

- i. The court (non-judges) staff as we know and should understand them
- ii. Building a team, enabling an environment and supportive organization
- iii. Ensuring an enabling environment and enduring supporting organisation
- iv. Automating the lower court and cascading the implementation of the judiciary's autonomy to the lower courts.
- v. Ensuring a broad and inclusive implementation of the autonomy of the judiciary.

UNDERSTANDING THE COURT STAFF

Whereas, the functions and duties of the other staffs i.e. Registrars, Clerks, Bailiffs, and Messengers especially the Registrars even though complimentary to the Lower Judges should be acknowledge at all time.

As the first contact by members of the public, they stand to make or mar the exalted position of the Judiciary in the 'eyes' of the public. Equally, if orders are pronounced by court and there is nobody to implement or carry out effectively, it is as good as if no order has been issued.

Without non-judicial officers or supporting staff as they are usually referred to i.e. Registrars and all other various officers serving under them in the Registry, the function of the courts will become paralyzed, without the cleaner and court labourers, there would be no clean environment, which will be conducive for work.

The cause list, proceedings; judgments and letters would not be typed neither would appeals be compiled. Without messengers, files and other materials might not get to the Judges and communication would not be passed around.

Their role is so important and significant that justice can hardly be obtained without their input and prompt action.

Their role had been described in so many ways in order to bring out their importance and relevance to the administration of Justice in Nigeria. It is, however, worthy to note here that a Registrar could do much to impede or expedite a suit Jointly by giving it a worse or better place in the list and secondly by the slowness of speed with which “they” (Registrar) drew up various orders of court.

They are the architects of the preparation of Advance proposals in the Judiciary. They are involved in the actual implementation of the approved Annual Estimates.

They perform the very important role of keeping court records - forms, file (personal and confidential ones as well as correspondence and suit files). They compile records of Appeals, type record of proceedings, Judgments and Orders of Court. They receive and take into custody Government Revenues and pay same to the Banks and Treasury promptly for the government.

It is their duty to draw up the order according to judgment. It is also their duty to issue hearing notices, summonses, Writs of Attachments and Writs of Execution. It is also part of their work to accept fines and forfeitures and pay the same to the Treasury or the Bank on behalf of the Government. They manage exhibits pertaining to cases in court. All matters relating to the administration of the estate of deceased persons are performed by them.

They take care of all the personal and official mails of the Judges; they also take care of the dates of adjournments of cases and matters in the Courts. Their roles in the Administration of Justice in Nigeria are important.

By the nature of their work they are adventurers, if not searchlights for this great institution called the Judiciary. For all practical purposes, the Registrar of Court is its pathfinder. He determines its location, its structure and when it has fully taken off its contained operation. The services which they render to the cause in the Country are very important ones and they deserve to be treated with the greatest respect and consideration.

BUILDING A TEAM

Judges of the lower courts and staff of the courts are employed and engaged by the relevant government to assist in dispensing justice. The judges and the staff need each other. Whilst the judges are the ones "largely seen" as the arbiters in litigation and interpretation processes, the lower court Judges also are the presiding officer in a district and is appointed by the judicial service commission of a state. He has both civil and criminal jurisdiction over cases throughout the state. A lower court judge is

duty bound to attend all official functions as directed by the Chief Judge/Grand Khadi, President of Customary Court. And any other assignment assigned by the Head of Court.

Therefore, for court judges to succeed, they need to have a good working and cordial relationship with the staff of the courts. This is why we believe that building a team is critical. According to Mr. Benson Anya (Chief Registrar, High Court of Justice, Abia State then), the Head of Court is the policy maker of the judicial establishment. He needs the support and cooperation of Judges, the Chief Registrar and other supporting staff to run an effective administration and execute set policies. The Head of Court must raise the team to help ensure success.

Building a team in this sense refers to the readiness of the judges to be considerate and open and promote inclusion. Building a team will require securing the right hands in the courts, communicating in a precise sense the courts' goals, and supporting the lower courts' staff to carry out these goals.

ENSURING AN ENABLING ENVIRONMENT AND SUPPORTIVE ORGANIZATION

In building a good relationship between the judges of the lower courts and the staff, it is essential to have in place the proper structure, environment and supportive organization. The enabling structure, atmosphere and supporting organization should be synchronized and harmonized in the form of an orchestra to provide the intended performance of the assigned tasks. For the lower courts, the judges and staff, the tasks are to ensure ease of access to justice, effective dispensing of justice and assurance of impartiality in the process.

Also, the goals or targets to be achieved must be clearly communicated. The tools for measurement of the performance must also be known. This is where the relevance of an enabling structure and organization comes in. It is critical that the staff are assisted to easily recognize the existing structures within the judiciary and the courts. The court processes and procedures should be organized in a systematic and easy-to-comprehend manner. We suggest that the manual of procedures for the lower courts should be revised and made available to the staff.

Concerning the provision of an enabling environment, the idea is to make the lower courts more conducive, presentable and functional for the purposes they are meant to discharge. Most of our lower courts are in a shabby and decrepit state. The physical structures (buildings) do not represent the image of a forward-looking and progressive Nigerian judiciary. The materials in the courts – chairs, benches, storage cabinets, office equipment and daily disposal materials are grossly inadequate. This

situation dampens the environment for building a good relationship. For instance, toilets in lower courts for staff are often in bad shape. While the judges are lucky to have functional toilets in their offices, the supply and flow of water could be a challenge in utilizing toilet facilities. This dampens morale and affects workplace relationships.

The provision of reasonable remuneration and support for capacity development and enhancement will also contribute to effective service delivery of the judges and staff of the lower courts. We suggest that conscious efforts should be made to prioritize regular training for judges and staff of the lower courts. The prevailing economic situation denominated by spiraling inflation makes a case for an upward review of wages and allowances necessary.

AUTOMATION OF THE LOWER COURTS

It is safe to say that we are in the digital revolution, which is the fourth industrial revolution. The other three are the agrarian, manufacturing and globalization revolutions. Sadly, developing countries such as Nigeria have not successfully attained these past revolutions of development. This is not to say that we must lag behind and refuse to consider options to avoid being left behind in the fourth digital revolution.

Indeed, the COVID-19 pandemic has contributed to the acceleration of digitalization. The Nigerian courts, including the lower courts, cannot be left behind. It will mean and need the up scaling of political will to consciously commence and deepen the process of introducing feasible technology into the operations of the courts. Of course, Nigeria's teledensity and digital footprints are on the steady ascension. What is required is a suitable investment in the necessary infrastructure and workforce acquisition and training.

According to the World Bank, when properly implemented, court automation can significantly reduce the length and cost of judicial proceedings. Regions where more economies have put in place court automation techniques tend to have a higher median score on time and cost to enforce a contract.

Court automation can also make a significant contribution to improving access to justice. Specifically, it can provide free access to legislation and case law, streamline the exchange of documents and information, and ease dealing with judicial procedures overall.

ENSURING A BROAD IMPLEMENTATION OF THE AUTONOMY OF THE JUDICIARY

For ease of explanation, we will describe judicial autonomy as one of the guarantees of judges' independence. It means protecting judges from interference in their activities and increasing the level of human resources in the court system. The actions of judicial autonomy bodies should facilitate the establishment of appropriate organizational and other conditions to ensure the proper functioning of courts and judges.

EFFECTIVE IMPLEMENTATION OF THE AUTONOMY OF THE NIGERIAN JUDICIARY

It should be noted that the Judiciary Staff Union of Nigeria (JUSUN) believes in the autonomy of the Nigerian judiciary. We are convinced that the judiciary's autonomy is essential for the proper checks and balances required in a fledgling democracy like ours. In essence, the independence of the judiciary is necessary for the rule of law to take excellent and robust roots. The courts must be weaned from the apron of the government's executive arm to improve the accountability environment. We are proud of our campaign to actualize autonomy for Nigeria's judiciary.

However, we do not dwell extensively on this issue here in this intervention. This is because the space and scope are inadequate to cover and pontificate on the subject of autonomy. Nevertheless, the idea of alluding to this point is that the effective implementation of the judiciary's independence can help enhance the relationship between judges and staff of the lower courts.

Financial independence for the judiciary will improve justice service delivery. The court needs funds to effectively organize its processes and reposition itself to deliver on its mandate effectively. We affirm that the judiciary's autonomy will improve court judges and staff relationships.

RECOMMENDATIONS

We know and affirm that trust is the currency of political, social and economic transactions. Trust is critical to consolidating our young democracy and building a prosperous and egalitarian society. Of course, trust can be breached. When this happens, recourse to the courts for redress is expected. The ordinary persons' reliance on the lower courts proximate to them will remain high. Given that national cohesion, unity and sense of belonging are honest and robust from below, it is, therefore, critical that the lower courts continue to effectively play the roles assigned to them in the 1999 Constitution as amended.

It is our considered opinion that relationships between the judges and the staff of the lower courts are cordial, complementary and sustained. We have argued that

improving the state of the courts through infrastructure and digital enhancement will build and enhance this relationship. We are also convinced that the sincere implementation of the judiciary's autonomy will improve the principle and practice of the rule of law. The independence of the judiciary will also enhance the relationship of the judges and workers of the lower courts if the economic, welfare, and training needs of judges and workers of the lower courts are well and timely attended to via predictable and available fund disbursement.

Finally, the relationship between judges and workers of the lower courts is essential for the administration of justice for persons, institutions and communities in rural areas. This relationship will be viewed as positive and beneficiary to people and society, and our democracy when justice is timely, fair and affordable.

CONCLUSION

Nigeria must continue to seek ways and means to ensure that citizens do not lose confidence in the fairness of the legal and political system. Failure to provide this may lead the people to turn to other means to assert their fundamental rights. Resort to self-help may result in violence, disorder and anarchy. Economies in transition and consolidation of their democracies recognize the need to create a more stable system of governance based on the rule of law. His realization is based on the need to ensure the cohesion of societies. These days, we see development partners demanding genuine and the sustainable rule of law reforms as pre-conditions for accessing international aid. The place and relevance of the rule of law in a democracy can neither be overemphasized nor discounted. An open and enduring relationship in the courts between the courts judges and staff is essential for consolidating the rule of law.

Thank you for your kind attention and audience.
God bless Nigeria's judiciary. God bless Nigeria.

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