**CASE MANAGEMENT FOR IMPROVED ADJUDICATORY PERFORMANCE- A PAPER PRESENTED BY HANNATU A. L. BALOGUN AT THE INDUCTION COURSE FOR NEWLY APPOINTED JUDICIAL OFFICERS OF THE SUPERIOR COURTS OF RECORDS ON THE 6TH DAY OF MAY, 2024**

**INTRODUCTION**

It gives me great pleasure to stand before you all to share my thoughts on this very important subject. It is also my pleasure to congratulate you on your various appointments. There is no doubt that you must have exhibited qualities of hardwork and efficiency to merit this appointment. I believe that for those of you who have served at the lower court bench, the subject of case management may not be new altogether. There is however always something to learn in these courses and seminars. I remember attending an induction course about 25 years ago and I found it very helpful. I will therefore counsel that you take full advantage of the course and ask questions.

**WHY CASE MANAGEMENT?**

As you are aware, the challenge of delay in justice delivery is something that has plagued the nation and causes the Judiciary some level of discomfort every time the matter comes up. One of the best ways to manage cases is to list and analyse the causes of delays in each of our courts. This way the problem will be half solved since successful diagnoses usually brings the hope that the problem will eventually be solved.

**CASEFLOW MANAGEMENT**

This can be defined as the coordination of all court resources to ensure the efficient and effective determination of cases within a reasonable time so as to achieve justice. It is a way of achieving justice in the fastest way possible. It is in effect balancing the act between ‘justice delayed is justice denied’ and ‘Justice rushed is justice crushed’. It is a skill usually developed through experience but a few tips for a beginner will set you on the right path to efficiency and effectiveness in justice delivery.

 **TRIAL DELAYS**

As stated earlier, finding the reasons why trials are delayed and looking for workable solutions are some of the best ways to improve our case management skills.

There are several reasons why cases are delayed in our courts. These include:

* **COUNSEL OR PARTY UNPREPAREDNESS**:

This accounts for a lot of delays in the Courts. Applications for adjournments are almost a daily occurrence in most Courts. There are several reasons given for parties or counsel seeking adjournments. These include unsettled bills, sickness, involvement in other courts, family problems, travel delays, laziness, lack of organisation in the counsel’s chambers, unforeseen disasters or even plain mischief etc

* **PROSECUTOR UNPREPAREDNESS**:

Cases are often delayed due to incessant applications for adjournment by prosecuting counsel. There are many challenges being faced by the prosecutors themselves. The public service beauracracy coupled with lack of vehicles, research materials etc negatively affect the prosecutor's ability to present his case timeously and the invariably affects the Judge's case management efforts.

* **JUDICIAL REMMUNERATION ISSUES**: The salaries of Judges is grossly inadequate and not commensurate to the work we do or even the dignity of our offices. This is especially so when compared with the earnings of our counterparts in the other arms of Government. For example, Judges have been earning the same salaries since 2008 with no increment. Can anyone compare the purchasing power of N500,000 in 2008 when the dollar was about N150 to what it is today? This financial demotion can be demoralizing and sometimes even frustrating.

In some cases, this leads to lack of incentive and motivation and sometimes results in temptations to compromise.

**STAGNATION/ INADEQUACY OF REWARD SYSTEM:** A large number of our judges have spent well over 10 years on the job, on the same salary with no hope for promotion in sight. There is no sense of fulfillment especially when all hopes of elevation to the higher bench are lost. This can lead to frustration with the work and as a result cases are adjourned on flimsy reasons. Thankfully, the much talked of increase in the entitlements of Judicial officers has partially addressed this issue by proposing long service bonuses. It is hoped that this will be graduated upwards so that the longer one serves, the higher the take home.

The Nigerian Judiciary does not yet have a very effective system of recognizing hard work and outstanding performance. Apart from commendation letters where a judge does 24 or more cases in a quarter, efficiency is hardly recognized and rewarded. This has negative effects in the minds and psyche of Judges, and their Staff.

* **BUDGETARY CONSTRAINS**:

The poor allocation of funding to the Judiciary coupled with the failure of most states to give financial autonomy to the Judiciary in compliance with the Constitution has created a clog in the administration of justice. This is because the needs of the Judiciary in terms of facilities and recurrent expenditure are not fully appreciated by the Executive. It is the shoe wearer that knows where the leg is pinching and not the shoe donor. This results in a lack of or inadequacy of facilities e.g. housing, transport, office furniture stationery, etc especially in remote areas as well as inadequacy of office maintenance funds and recurrent expenditure. This can result in Judges having to travel to where they sit from urban centres and so cannot sit daily or for the number of hours required. This could also make room for money bags within the divisions to try to ‘help’ which consequently makes the Judges and staff indebted to them and opens a door to manipulation, corruption and blackmail.

Similarly, in view of lack of tools particularly research and reference books or legal authorities on recent court decisions and other modern sources of research like the internet, some judges have no option than to keep adjourning matters until when authorities are found. Most ask counsel in the matter to lend their books or copies of relevant pages for use.

* **ABSENCE OF WITNESSES**:

 This accounts for a lot of delay in the progress of cases. This is sometimes caused by the difficulty in locating addresses in some areas, poverty and non payment of witness stipend, stigmatization eg in rape or sodomy cases, lack of faith in the system or the fear of Courts by the ordinary man etc. The reasons are too numerous.

* **ABSENCE OF ACCUSED PERSONS**

Absence of accused persons greatly hampers early justice. No case can proceed when the Accused person is absent. The reasons for the absence could be due to failure of the prison authority to transport them to Court. In some cases, there are logistic problems like absence or breakdown of the black maria etc. In some other cases, the Accused persons jump bail and the sureties cannot be located and there may not be resources to find them etc.

* **HOUSE KEEPING PROBLEMS:**

Housekeeping problems like lack of service of summons, subpoenas and other court processes etc. Sometimes the registry could forget to list a case. At other times, they could forget to transfer exhibits or they could misplace them.

* **INEFFECTIVE CONTROL OF COURT STAFF OR LACK OF SUPPORT AND COOPERATION FROM STAFF**:

 In some courts, due to lack of control by the judge, the supporting staff may go against or almost sabotage the Judge or the court or its processes due to acts of corruption or indiscipline. In some cases, failure of the Judge to carry everyone along in the administration of Justice leads to acts of sabotage. Where acts of indiscipline on the part of the staff are condoned by Judges, the situation could become worse.

* **LATE SITTING**:

Late arrival or sitting of Judges is detrimental to timely adjudication. Some Judges sit very late and infrequently. Many times, even their staff cannot tell if they will sit on that date and/or at what time they would sit.

* **PECULIARITIES OF COURTS CITED IN DIFFICULT TERRAIN**:

 Courts sited in difficult terrain face peculiar difficulties that can cause trial delays. Courts cited in places like the riverine areas in the rainy season, places liable to flooding and erosion etc could be cut off in some seasons. In these places, the Judge may not be able to sit for months during the rainy season and so trial delay occurs. There are also courts cited in troubled areas where there is insecurity and the court cannot sit everyday or may have to adjourn without plan.

* **OVERINDULGENCE OF COUNSEL**:

 Some Judges are too permissive and they allow adjournments for frivolous reasons like counsel got a call from the village, counsel or parties are indisposed with no particulars as to the nature of indisposition etc.

* **COMPLICATIONS OF RECORD BOOKS:**

Complications caused by use of record books particularly when writing judgments. Once a Judge is unable to finish a judgment in a record book, he cannot proceed to hear other cases until the judgment is concluded. A prudent Judge will write an outline first to ensure that he or she will conclude faster as soon as he or she begins writing the Judgment in the record book.

* **CORRUPTION:**

Corruption within the system leads to things like missing files or exhibits, non service, non listing etc. In some cases, even the Registrars and some other Court staff ‘sit’ on cases. They invite parties to the registry and ‘settle them’ for a fee. In other cases, long adjournments are given for a fee. This is responsible for a lot of the delays especially in lower courts. If a Judge or a cort staff collects a bribe from one or more litigants, the end result is incessant and unnecessary adjournments to make the parties lose interest in the matter or even wrong rulings that could generate an unnecessary delay in appeal courts. Similarly, where there is undue interference against the justice of the matter, it could lead to trial delay.

* **INCOMPETENCE OR UNPREPAREDNESS**:

Incompetence of the judge can be a very serious problem. This accounts for delay in adjudication because sometimes, the Court has to adjourn to consider simple applications and sometimes, the Courts make procedural or other errors that lead to unnecessary appeals and further delays. In some cases, it is the lawyer or the prosecutor that is incompetent. In such cases, they could request for adjournments to reply to very simple motions that could have been determined there and then.

**.** **CANTANKEROUS COUNSEL**

There are a few lawyers that are very difficult. They sometimes get too emotional about their cases and even hostile to the opposing counsel, party and even the court. If not carefully handled, these counsel could play the court to the gallery. Many times, when the counsel can see clearly that the case cannot go their way, they try to frustrate it or try to get the case transferred. They would sometimes move a motion that they know cannot go far only to create an opportunity to appeal and in the process, buy time.

* **INTERFERENCE:**

Interference from influential persons in the community like Government officials, traditional or religious rulers, Judiciary staff, relatives etc creates delays. This unwarranted interference can seriously impede on the independence of the Judiciary and frustrate justice. Sometimes, the cases end up being returned and started denovo by another Judge.

* **FREQUENT AND SUDDEN TRANSFERS**:

When unplanned transfers occur, they seriously hamper case management. All the efforts of the Judge in the pending cases are wasted as many times the trials have to be commenced denovo.

**CASE MANAGEMENT TIPS:**

There is no doubt that some of the challenges can only be solved by the management of the Judiciaries concerned. Solutions like planning transfer of Judges, effective general administration, fairness in appointments, promotions and discipline etc are measures that can only be taken by the Court Managers. There is also the need to urgently improve the salaries and allowances of Judges and also introduce long service bonuses and retirement home schemes for Judges. This will go a long way in creating motivation and curbing the temptation to be corrupt.

There are however quite a few of the causes of trial delays that can be tackled by the presiding Judges. To overcome or manage the above challenges therefore, the Judge must be able to manage himself, his Court, his registry and his staff.

**SELF MANAGEMENT**

* **LEADERSHIP**:

Show purposeful leadership. As the Judge, you have to set the tone and lead by showing initiative, hardwork, punctuality, focus and drive. You must also be committed and dedicated to your job.

* **DISCIPLINE AND ACCOUNTABILITY**

 As the master of the court, the judge needs a lot of discipline to sit for long hours, to curb the excesses of lawyers and to shun any attempt to compromise or intimidate him. A judge must try to avoid going to places and having contacts that will compromise his position. He must resist favours that appear strange or have the appearance of ‘Greek gifts’. Remember, as a Judge, you are accountable to the community you serve and most importantly, you are accountable to God.

* **HARDWORK AND DILIGENCE**:

There are few things that are more satisfying than going back home after a very fulfilling day at work. Some of my happiest days are days I am able to deliver several judgments or days I finish difficult or delayed cases. Hard work always pays. Some say that the reward of hardwork is more work and It is true but the positive part is that it gives a satisfaction that laziness cannot give.

* **SHOW INTEGRITY AND FAIRNESS**:

Remember your staff and the general public are watching you. It is a fact that as we judge, we are being judged as well. Posterity will also judge us not to talk of the ultimate judgment when we stand before our maker to give account.

One of the most destructive traits in our society is bigotry. Whether it is religious, ethnic or regional, all forms of discrimination and prejudice is wrong and must be resisted if we must move forward as a people.

* **INDUSTRY AND RESEARCH:**

This is very helpful. Whether you have a pending judgment or not, frequent research is very important to your work. It keeps you up to date and reduces the time you need to research a case. As you read, try to keep a diary of the very common authorities you come across so you can easily access them. There are a few soft ware that help in legal research. They contain lots of cases and materials that can assist a Court to reach a good decision. There are also sites on the internet where one can carry out legal research easily.

Ensure that you read the case files very well and do your research before going into court. This will enable you write bench rulings in appropriate cases rather than adjourn for ruling and so save time. Personal study will also make you up to date in your knowledge of the law. You will immediately know for example if the cases being cited before you have been overruled by the Supreme Court.

* **SELF IMPROVEMENT:**

Improve self by taking advantage of technology, current innovations in the Law and practice; learn to use the Computer, Read reports and books to expand knowledge. Take advantage of the Computer Law Reporting System for easier and faster research.

**.STAFF MANAGEMENT**

* **INVOLVE AND MOTIVATE ALL YOUR STAFF**: You can do this by holding periodic departmental meetings with your staff where you can iron out all housekeeping problems. Commend staff that are doing well and at the same time reprimand those that err. This will lead to sustained zeal and energy. Most times, junior staff like the messengers, typists etc do not feel appreciated and they feel irrelevant and are not motivated to put in their best. The truth of the matter however is while no single person can make the system work; one person can cause the system to fail.
* **ENFORCE DISCIPLINE WITH FAIRNESS, CONSISTENCY AND MERCY:**

The entire civil service is being plagued by indiscipline, lack of equity and a general decline in moral values and norms. The need to be extra vigilant in discipline cannot be over emphasized.

* **SHOW COMPASSION AND CARE FOR STAFF**:

 Where for example there are Deaths, Births etc. you should show care for staff welfare. You may need to assist in their promotions, advancements, capacity building and other Career programs etc.

**REGISTRY MANAGEMENT**

To be effective in the discharge of your duties as a Judge, you have to organize your chambers and registry in a proper way to ensure maximum efficiency and effectiveness. In this regard, you will need to:

* **MAINTAIN A DIARY:** Maintain an up to date diary for your court. It is best not to rely on the diary kept by your clerks. As much as possible, make the entries yourself to avoid any surprises and to curb the “sale of dates’ that sometimes features in some of the registries.
* **GET IMPORTANT RESOURCES:** Have some important resources in your chambers e.g. relevant authorities on procedure, the relevant penal or criminal code, the Nigerian Constitution, the Evidence Act, the relevant Court law and rules, The Administration of Justice Law etc. You may also want to develop a quick reference index of cases or purchase some that have been published by erudite authors. Ensure that the resources are readily available in court for quick reference.
* **MONITORING FILING AND ACCEPTANCE OF CASES:** Monitor the filing and acceptance of cases at the Registry. In this regard, it is always better for the Judge to study every case filed with a view to familiarizing himself with the case and to give dates. This way, no case will be left stranded in the registry. The Judge has to ensure that service is properly and timeously performed to avoid delays and unnecessary adjournments. The key is to have early control of all cases.
* **SET STANDARDS AND GOALS:** Set standards and goals for your court and for the different types of cases. Setting standards will ensure that you are working with time and will thus enhance speedy disposal of your cases. If you do not set a time frame for the different types of cases, you will end up being more liberal with adjournments and more ‘laisez faire’ with your cases. The further advantage of fixing a time frame is that you will end up accomplishing much more than you would otherwise. It will also motivate you to work harder and lead to more confidence in your work. In the end, your superiors, lawyers, staff and even the litigants will have more confidence in you. Remember, a good name is better than silver and gold.
* **MONITOR YOUR CASEFLOW MANAGEMENT**: Monitor your case flow management efforts. It is important to put in place a mechanism for monitoring your case progress. Your registry must be well organized and the files all properly labeled and filed in such a way that they can easily be traced. All record books need to be properly paged and a table of contents provided and kept to ensure quick access to the various pages with respect to the same matter.

It will also help if you will have a chart on your wall showing your case flow efforts. This will show how well you are doing in each quarter or monthly. This will help you to adjust accordingly. Always remember the performance expectations of the NJC as follows:

0-3 cases= No performance

4-6 cases= Low performance

7-11 cases= Fair performance

12-18 cases= Good performance

19-23 cases= very good performance

24 and above= Excellent performance

Fix timelines for the completion of the various types of cases. You may divide them into complex and less complex cases or even into complex, medium complex and less complex cases. For example, cases decided on motions like Fundamental rights cases could be less complex, matrimonial and simple loan cases could be medium, while murder, land, chieftaincy and multi party cases could be complex. You may fix 3 to 6 months for the easier cases, 12 to 18 months for the medium and 24 to 36 months for the complex cases maximum timelines. Your registrar must also inform you of any cases that are approaching or have passed your timeline.

He or she should be able to give you basic information as to things like how many of the different types of cases you have received in a year, what is your disposal rate, how many cases you received, how many are pending etc.

* **FILING SYSTEM**: Develop a filing system that makes case retrieval easier; the files shouldn’t be on the floor. They should be well labeled and kept in appropriate cabinets which must be arranged in a manner that will facilitate early retrieval. E.g. the files could be kept chronologically. The Registrar could adopt the index card system to ensure efficiency.
* **REGISTRATION OF CASES:**

All cases must be carefully registered and the register kept well. The register should have a column for the case number, type of case, names of parties, dates of commencement, conclusion and manner of conclusion.

* **STORAGE OF RECORD BOOKS:** Record books should be carefully kept where they are used. Whereas if a file is lost, destroyed or otherwise tampered with, only one case will be involved, a record book contains scores of cases. Where it is destroyed, so many cases will be affected.

**CASES MANAGEMENT**

Once the cases are in court, a Judge should manage them in such a way as to ensure speedy disposal. The measures you need to put in place include:

* **TAKE EARLY CONTROL**: This can be done by making sure that no case is forgotten in the registry for any reason.
* **MAINTAIN CONTINUOUS CONTROL**. If for any reason the cases will not go on a particular date due to absence of the Judge, public holidays etc, ensure that the cases are not left hanging by giving dates and ensuring service.

Your Registrar must keep a record of all the adjournments requested for in each case so as to guide the Court in considering whether or not to grant a further adjournment.

* **STRICTNESS WITH REGARDS TO ADJOURNMENTS:** A Judge should be very strict with requests for adjournments. This is one of the greatest factors that cause delays in our courts. No system will work if adjournments are granted at the drop of a hat. Remember that adjournments only breed further adjournments. The Court should be guided by the Supreme Court case of BANNA V TELEPOWER NIG LTD (2006) 15 NWLR (PT 1001) PG 198 @225 where the supreme Court held that no litigant should be allowed to hold the Court to ransom by indulging them with adjournments upon flimsy grounds.
* **SET FIRM TRIAL DATES**:

Ensure that you set firm trial dates and not just chance dates. Make the lawyers, and litigants know that you expect them to proceed on any date you give them. The practice of giving long dates should be discouraged as it puts extra burden on the Judge who has to look through his record book and try to find out what transpired on the previous date. In some cases, the witnesses could also not be available by the time they are required.

* **TIME SAVING:** In cases where the new Administration of Justice Law is in place, you will need to take advantage of its time saving provisions on summary trial, plea bargaining etc so as to shorten the procedure in your court. It is wise to familiarize yourself with the bill where your State is in the process of passing same into law. In civil cases, procedures like the ADR, pre trial conferences etc can be used to shorten trial time.
* **BE POLITE BUT FIRM IN DEALING WITH COUNSEL**: Rudeness is unnecessary and could lead to unwanted complications in a case and may lead to further delays.

Don’t play to the gallery. Some counsel resort to provoking the judge when they don’t have a good case and so want a transfer to enable them start afresh. Ensure that you maintain a good rapport with the Counsel so as to ensure their ready cooperation in moving the cases forward. However, you should at the same time be in firm control of your court and cases. Remember, you are the lord of your court, which is why you are referred to as ‘your lordship’.

* **ATTENTION TO DETAILS**:

Give attention to details. In this regard, ensure that you think about every aspect of case flow management no matter how small. Things like not serving processes on time and forgetting to put a case on the list though may be small lapses; they have a way of giving a wrong impression of the Court.

* **AVOID UNDUE TECHNICALITIES:**

Follow the rules of procedure but avoid undue regards to technicalities. Things like adjourning a case and making counsel refile a motion because of a simple typo on the heading of a motion etc can be unnecessary causes of delays. Remember the overall aim is to do justice to all.

**CONCLUSION**

In conclusion, may I remind us that delay in determining our cases creates a very negative perception of the Judiciary in the minds of Nigerians. It erodes confidence in the system and encourages self help and anarchy. We therefore need to take our case flow management duty very seriously. This way, we will not only enhance the image of the Judiciary, we will ensure that our fellow citizens get the speedy justice that they deserve. Always remember that justice is a foundation stone for true democracy and the well being of every society. My prayer is that God will help us all to achieve justice in an effective and efficient way.

Thank you for listening and God bless.