

COURT MANAGEMENT IN THE ADMINISTRATION OF JUSTICE

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INTRODUCTION

I will like to start by expressing my appreciation to the Administrator of National Judicial Institute, Hon. Justice Salisu Garba Abdullahi and the Chief Judge of Ondo State, Hon. Justice Aiyedun Olusegun Odusola for the opportunity given to me to present a paper on the topic: COURT MANAGEMENT IN THE ADMINISTRATION OF JUSTICE.

An essential component of governance is the administration and dispensation of justice. This has changed, particularly in light of the courts' constitutional responsibility. There is scarcely another branch of government that can fulfil the job of the court, which involves conflict resolution and social balance maintenance between individuals and the state. Therefore, it is crucial that the public respect the court's work and operations in this regard. If not, many individuals will start enforcing rules on their own, which will lead to a breakdown of law and order.

A court is a place where justice is administered or where trial is held. Although, it may be argued that this definition is deficient in the sense that, courts are sometimes distinguished from other bodies such as tribunals, which are also concerned with settling legal disputes. However, the above definition is adopted to convey the meaning intended for this work.

Judicial administration, which includes the variety of guidelines, practices, and duties necessary for court operations, is the term used to describe court administration. Ensuring the equitable and effective administration of justice is its main objective. The administration of the courts involves the participation of judges, court administrative staff, and leadership in the judiciary.

The term 'justice' has become a household word such that whenever it is mentioned or used, it almost always does not need any definition. Clichés such

as ‘justice delayed is justice denied and ‘the court is the last hope of the common man’ have become rife in the Nigerian legal system. These clichés have inextricably linked our court of law and justice that one does not need to be told that it is one of the main and sacrosanct duties of the courts to administer justice. Justice is therefore, the fair treatment of people; the quality of being fair or reasonable; the legal system by which people and their causes are judged; the fair and proper administration of laws.

What is Court Management?

Court management is the coordination and supervision of the various activities and processes that take place in a court of law. By the provisions of Sections 6 (1), (2) and (4) (a) and (b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), judicial powers are vested in both the superior and inferior courts of record in Nigeria.

In essence, the role of court management in the administration of justice cannot be overemphasised. This necessarily implies the proper management or otherwise of the courts system as a direct impact on the administration of justice in any nation. In the case of **OLUSOLA ADEYEMI V THE STATE (2014) 13 NWLR PT (1423) 132** the court emphasised the importance of proper court management in ensuring a fair and efficient trial.

The general observation is that court management is becoming a common concern everywhere in the world as part of the efforts to avoid backlogs, unreasonable duration of proceedings and costly litigation. For there to be an effective court management therefore, certain things have to be in place. These include but not limited to the following:

1. **Information and Communication Technology (ICT):** Various aspects of court operations, including case tracking, case management systems, and office automation, can be facilitated by technology. However, ICT has been built to provide individuals and lawyers with access to statutes, rules, and case laws which inevitably improves court decisions, transparency and legal information accessibility. This innovation is used for all kinds of useful reasons, such as video conferencing to record defendants' statements from detention facilities. This generally prevents needless postponement of legal processes.
2. **Judicial Ethics in Practice:** One important factor in the administration of courts is the judicial officers' integrity. This involves;

- a. Punctuality: punctuality of judges and court officials is very vital in court management as this will preserve the dignity of the court.
- b. Confidentiality: Handling of official duties must be with utmost confidentiality.
- c. Accountability: Court officials must be prudent at all times. They must always be conscious of being accountable for their actions.
- d. Continuous learning and Training: Updating your knowledge in law and any other relevant areas.
- e. Politeness: Court officials must be polite and decent in all manner both in choice of words and physical appearance

All parties involved in the administration of the court, including judges, court employees, lawyers and litigants are accountable. It is expected of all parties involved to embrace responsibility by ensuring justice is well administered.

Roles of Stakeholders in Court Management

- **Judges:** They are responsible for overseeing the administration of justice in the court. They are primary decision makers in cases and responsible for interpreting the law in rendering verdicts.
- **Court staff:** They play important roles in the functioning of court system. They are responsible for maintaining court records, managing court dockets and ensuring that court proceedings run smoothly. Court staff are responsible for carrying out the administrative tasks of the court. They perform the following roles in ensuring smooth administration of justice:
 - a. Prompt filing and documentation of proof of service.
 - b. Safeguard the names, addresses and identities of victims during trial.
 - c. Promptly prepare copies of warrants, record of proceedings, orders and other document requested by either party
 - d. Ensure cause lists are properly and timeously compiled.
 - e. Promptly notify parties of adjournments.
 - f. Have working knowledge of Information Computer Technology (ICT) and modern technology. Undoubtedly, where filing and recording of court processes and proceedings respectively are technology driven, delays which arise from human intervention are minimized if not totally eliminated. It will be virtually impossible

for a party to deny service and receipt of processes which are ICT driven because every event will be automatically captured and electronically recorded. Record of timeline between filing of cases, assignment of cases to Judges, trial and judgment can be easily tracked.

- g. Effect service of processes (the court bailiffs are saddled with the duties of service of court processes like witness summons, defendant's production order, writs and others)
 - h. Administer of oaths or affirmation
 - i. Assessment of court processes and prompt filing.
 - j. Reading of charge to the defendant.
- **Lawyers:** Lawyers play a crucial role in the court system. They represent litigants in court, provide legal advice and guidance on various legal matters. Lawyers have a role to play in enhancing quick administration of justice. See **PDP VS. JIME & ANOR (2019) LPELR 48229 (CA) PP. 55-57, PARAS. E-D** PER ABIRU, JCA on the role of lawyers in the administration of Justice where it was held thus;

"It is pertinent to remind lawyers that the administration of justice and the justice delivery system are in the business of service delivery to the members of the public, Thus, it behooves every stakeholder in the justice system to take all necessary steps to promote a cost effective, timely and efficient system so as to engender public confidence in our justice system. We must never lose sight of the fact that justice is rooted in public confidence and it is essential to social order and security. It is the bond of society and the cornerstone of human togetherness,

Justice is the condition in which the individual is able to identify with society, feel at one with it and accept its rulings. The moment members of the society lose confidence in the system of administration of justice, a descent to anarchy begins. I have consistently emphasized this point and have severally referred lawyers to the eternal words of a great jurist, J Wesley McWilliams, who writing in an American Bar Association Journal in January 1955 (41 ABA 1 8) wrote in an article he titled "The Law as a Dynamic Profession" thus:

"We belong to an ancient, to a great, to an honored profession. The practice of Law is a worthy calling. It has rewarded us with success and with prestige and leadership in our communities. It has given much happiness and the good life. From it we have received the gratitude and respect of our friends and neighbors whom we have served. Our word affords intellectual pleasure with dignity and independence, in competition with whom we have cemented warm friendships and enjoyed happy for these blessings, we cannot but have a sense of gratitude and of obligation. The most productive, unselfish and wholly repayment of the obligation is constructive work to increase the effectiveness of our judicial system and of the profession."

It is hoped that lawyers will tow this line of honour and integrity and contribute their share to increasing the effectiveness of our judicial system, rather than clogging it with useless, baseless, selfish and egoistic litigations."

There are also cases of delay due to laziness on the part of legal practitioners who apply for adjournment of applications and trials on frivolous grounds. It is an act of professional misconduct for counsel to file or pursue an application or substantive suit which is evidently frivolous.

The modern time has come for re-introduction of ethical values in the profession as we search for quick dispensation of justice as courts can refer legal practitioners involved in filing of frivolous suits/applications to the disciplinary committee of the Nigerian Bar Association for appropriate sanctions. See the case of **MABA V. STATE (2021) 1 NWLR PT 1757 P384 PARAS B-E PER EKO, JSC** where it was held thus;

~By a combination of Rules 30 and 32 (2)(j) and (k) of the Rules of Professional Conduct for Legal Practitioners, 2007 a lawyer is an officer of the court and accordingly, he is not to do any act or conduct himself in a manner that may obstruct, delay or adversely affect the administration of justice. In presenting a matter to the court, a lawyer -

- a. shall not promote a case which to his knowledge is false;*
- b. shall not in any other way do or perform any act which obviously amounts to an abuse of the process of the court or which*

is dishonourable and unworthy of an officer of the law charged, as a lawyer, with the duty of aiding in the administration of justice.~

- Litigants: they are the individuals who bring their cases to the court system. They may be individuals, corporation or government entities and they may bring civil or criminal cases. Their regular attendance of court during trial is crucial to effective administration of justice.
- Witness: The foremost aspect that every trial judge should remember is that the statement of a witness is the lifeline of a case. Protection of a witness is primary for a friction free trial. Thus, every trial judge has an obligation to treat them with dignity and respect. **Sections 150, 151 and 152 of the Evidence Act, 2011** should be strictly followed in the process of examination of a witness. Whenever the presiding judge notices abuse of a witness in court, they should come down with heavy hands and convey the message that the witness box will not be used as a tool for committing offences. Otherwise, the dignity and solemnity of the court will be impaired.

Court Management as a Concept

Court management as a concept can be viewed from various dimensions. These include:

1. **Case management-** This is overseeing the progress of cases from filing to disposition. Case management in the administration of justice refers to the process of tracking and managing cases from filing to disposition. Case tracking involves monitoring the progress of cases through various stages, while case assignment involves assigning cases to judges or judicial officers. Case management also involves providing regular updates on case status and managing court documents and filings.

Effective case management aims to expedite case processing, reduce delays and backlogs, improve access to justice, enhance court efficiency and ensure fairness and impartiality.

2. **Time management:** Scheduling hearings, trials, and other court proceedings. Time management plays a crucial role in the administration of

justice. It ensures legal proceedings are conducted in an orderly and timely manner. Effective time management involves; case scheduling which is assigning specific dates and times for trials, hearings and other legal proceedings. Time management also involves allocating sufficient time for each case, taking into account complexities, requirements and providing timely notices to all parties involved, including law enforcement agents, lawyers and litigants.

By optimising time management, the administration of justice can reduce delays and backlogs, improve court efficiency, increase transparency and accountability, enhance access to justice, streamline legal processes and better manage resources.

Effective time management is very essential in order to ensure that justice is served in a fair, efficient and timely manner.

3. Docket management: This is important in maintaining accurate and up-to-date records of cases. Docket management plays a crucial role in the administration of justice by ensuring the efficient and organised flow of cases through the court system. There are some key aspects of docket management which must be given attention at all times. These are: handling and organising legal documents, evidence and records, coordinating the appearance of witnesses and ensuring their availability.

Effective docket management helps to reduce delays and backlogs, improves the efficiency of court proceedings and ensure access to justice for all parties involved. By streamlining these processes, docket management contributes to a fair, transparent, and efficient justice system.

4. Courtroom Administration: This is coordinating the logistics of court proceedings by the Court Registrars. Courtroom management is a crucial aspect of the administration of justice. It is ensuring that court proceedings are conducted efficiently, fairly, and in a manner that respects the rights of all parties involved. Effective courtroom management involves managing court staff and personnel, maintaining courtroom technology and equipment, ensuring security and safety in the courtroom, coordinating the movement of cases through the court system, managing exhibits and evidence, maintaining accurate and complete court records and ensuring compliance with court rules and procedures.

Effective courtroom management helps to

- expedite the disposition of cases
- improve quality of justice
- enhance the reputation of the court.

5. Financial Management: This plays a vital role in the administration of justice in ensuring that the judicial system operates efficiently and effectively. Key aspects of financial management in this context include: allocating resources to support court operations, personnel and infrastructure, financial reporting, transparent and accurate accounting of income and expenses, controlling expenses to maximise value from limited resources, collecting fines, fees, and other revenue sources and maintaining court facilities, equipment and vehicles. This also involves acquiring goods and services through transparent and competitive processes and ensuring financial integrity through regular audits and oversight.

Effective financial management in the administration of justice enhances court efficiency and productivity, supports access to justice for all, promotes transparency and accountability, optimises resource allocation and fosters public trust and confidence in the judicial system.

By managing finances effectively in the administration of justice, resources are utilised efficiently, supporting the fair and timely delivery of justice.

Another important part of any consideration of effective judicial administration of court is the office of the Chief Registrar. The office of the Chief Registrar [hereinafter referred to as the CR] is not specifically provided for under the Constitution of the Federal Republic of Nigeria, 1999 (as amended). However, the CR is the head of administration, as the Chief Judge is the head of all the courts.

The Chief Registrar serves as the Chief Accounting Officer of the court and the Chief Administrative Officer. He takes directives from the Honourable Chief Judge/President (as the case may be) who is the Head of Court. His office plays a strategic role in supporting the vision of the Honourable Chief Judge/President in the dispensation of justice. The Chief Registrar plays a pivotal role in ensuring that the various Divisions of the Court and Departments in the Headquarters function effectively in line with the court's strategic vision and goal.

The Chief Registrar must be abreast of all happenings in a judicial setting including that of all outstations.

Flowing from the above and for effective court management, it worthy of note that the bulk of court management rests on the shoulder of the CR. It is therefore imperative on the part of the Chief Registrar to call for periodical meetings. The CR has the power to call essential members of the courts to meetings. In those meetings, the officers are to be impressed upon the collective responsibility to motivate them for efficient functioning of the Courts and higher productivity. Such meetings help to share common goals and to:

- * proceed with time bound plans
- * appraise all the officers about various programmes of the judiciary, and
- * get a feedback on the implementation of the directives previously given.

NEED TO BE TRAINED ON COURT MANAGEMENT

To make the administration of justice more efficient, officers are to be equipped/equip themselves on various branches and develop the court management and judicial skills. This is quite essential in achieving excellence in the administration of justice through:

TRAINING OF STAFF - For the system to be efficient, systematic and regular training of staff members is very important. As Judges and Magistrates are trained and retrained, it is also very important and highly recommended that staff members are trained from time to time. Aside the yearly trainings organised by the National Judicial Institute, in-service training can be embraced as it is done in most of the advance countries. The Chief Magistrates Administration (CMs Admin) can conduct the training by organising trainings within their Divisions, using the services of Judicial Officers and retired staff within their Divisions. By imparting in-service training and continuous learning, the staff members are not only trained, they are also motivated as we take them along in the judicial reform.

COURT MANAGEMENT THROUGH EFFICIENT IN - HOUSE MANAGEMENT - Court management can be well sustained where there is a working in-service management. These involves:

CLEANLINESS: Cleanliness in and around the court premises is very important. To achieve this, staff employed in cleaning the Court premises must be thoroughly supervised to ensure that they always keep the court clean.

ELECTRICITY: There has to be thrift in usage of electricity. Where there is huge billing of electricity, all possible steps must be taken to conserve the electricity and to reduce the high billing.

FURNITURE: Repairing of rickety furniture is essential. High level of maintenance culture must be inculcated in all staff.

COMPUTER: Staff must be computer literate particularly, the officers that work both in the lower and higher courts.

LIBRARY AND BINDING: Books that are supplied are to be neatly covered and kept in order. The Librarian is to be suitably instructed to maintain the Law Journals and other periodicals supplied to the Courts. Book binding is to be periodically undertaken.

THE CHALLENGES OF COURT MANAGEMENT IN THE ADMINISTRATION OF JUSTICE

1) Delay and congestion of cases in Court:

This is the major clog in the wheel of administration of justice. Most of these delays are caused by counsel through interlocutory applications. However, the provision of **Section 396(3) of Administration of Criminal Justice Act (ACJA), 2015** which is already domesticated in many States of the Federation including Ondo State, has to a large extent, brought a relief to the court by removing the cover under which lazy counsel hide to cause delay to court proceedings with their frivolous applications.

2) Long-hand writing in our Courts:

Judges in most of the states in Nigeria, are still recording court proceedings in long hand. Evidence of witnesses, counsel' arguments and submissions etc, are taken down by Judges. This creates a bottleneck problem for Court management in the administration of justice.

3) Attitude of the Legal Practitioners:

The word 'attitude' is defined to mean - the way of thinking or behaving about something; the manner, disposition, feelings, position with regard to a person or thing, the tendency or orientation especially of the mind. No wonder it is said that your attitude determines your altitude. It is submitted that the attitude

of a good number of the legal practitioners have negatively impacted on an effective and efficient administration of justice in Nigeria. Talking about the attitude of the Advocates/Counsel, we readily experience the following negative attitudes in our Courts virtually on a daily basis. Endless preliminary objections warranting endless rulings or in some cases unnecessary adjournments.

- 4) Frivolous Interlocutory Appeals. This is without prejudice to some serious minded interlocutory appeals, which I submit are few. The question is, why can't such interlocutory appeals abide by the substantive appeals on the final judgment? Secondly, why shouldn't interlocutory appeals terminate at the Court of Appeal so as to shorten the time being wasted on such appeals?
- 5) Stay of Proceedings. Usually, once a party appeals on a major interlocutory point particularly the jurisdiction of the trial Court, application for stay as a follow-up is a consequence.
- 6) Frivolous Adjournments. More often than not, we hear excuses for one adjournment or the other in our Courts such as "My Lord, my Client is indisposed, I want an adjournment", "My Lord, I am (Counsel) fairly indisposed. I come to Court in due respect to your Lordship. I am not in a position to go on, I want an adjournment", "My Lord, my Lawyer is involved in a matter in another Court, please grant me an adjournment", "My Lord, I have not been served. I cannot go on today. We need an adjournment in order to be served" etc.
- 7) Petition of trial Judges: It is increasingly becoming the fashion of some Lawyers and their Clients to petition trial judges for one flimsy excuse or the other. After all, it is a case of allegation of likelihood of bias even when there is no slightest indication of any likelihood of bias on the part of the presiding judge. The real intention being to have the matters transferred to another judge with the consequences of commencing proceedings again. The worst development we are beginning to experience is a situation where petitions are initiated against judges for frivolous reasons including intimidation and blackmail.
- 8) Petition against opposing counsel: Similarly, either because you don't like the face of the opposing Counsel or you just want to deliberately intimidate and/or

blackmail the opposing counsel, Counsel now write petitions to the Legal Practitioners Disciplinary Committee for several inexplicable reasons that can hardly be justified. The real intention is to chase the opposing Counsel out of the case rather than any act of infringements on the Rules of Code of Conduct of the Legal Practitioners.

- 9) Attitude of some Judges/Magistrates
- a) Lack of Technology for Court proceedings: Activities in the courts are still not modern day technology based.
 - b) Late sittings/Not sitting at all: There are Judges/Magistrates who sit very late habitually even though the official sitting period is 9:00 am.
 - c) Lack of proper apprehension and/or political will to enforce the application of the Rules of Procedure such as Personal liability of counsel for cost.
 - d) Award of cost: It is not strange to still hear counsel arguing in court that award of cost is not intended to be punitive, forgetting that the present principle underscoring the award of cost for frivolous adjournments and other infractions of the Rules and procedure on the part of Clients and their Counsel is that of the principle of indemnity and full compensation for time and effort being wasted. The point being made here is that we cannot continue to do the same thing in the same way and expect a different result.

CONCLUSION

Court management in the administration of justice is a continuous effort. As we meet at various seminars and workshops, it will be wise to take time to discuss with our colleagues on techniques for effective court management.

Thank you for listening and I wish you all traveling mercies back home.

MRS Y.A. AJANAKU
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