**TOPIC: JUDICIAL ADMINISTRATION AND MANAGEMENT**

**Paper presented**

**By**

**Umar .M. Bangari**

**Acting Chief Registrar Court of Appeal**

Courtesies/Protocols:

It is with great honour and humility that I stand before you at the instance of my Lord, Hon. Justice Salisu Garba Abdullahi, the Administrator of this great Institute to present this paper titled “**Judicial Administration and Management”.** I commend the Institute for organising this and other workshops which it is my fervent wish that in no distant time will translate to the good of the Nigerian judiciary.

The theme of this workshop being, “**Ensuring Optimal Productivity for the Judiciary”** is coming at no better time than now when all eyes are on the judiciary, the third arm of government. The judiciary has always been looked upon as the final hope of a common man and as such cannot afford to renege on its responsibilities in the dispensation of justice.

**INTRODUCTION:**

 It is important to understand the concepts of Administration on one hand then Management on the other hand. Administration according to Marx Weber (1905) in his *Protestant Ethic and the Spirit of Capitalism,* is a determined action taken in pursuit of a conscious purpose. It is the systematic ordering of affairs and the calculated use of resources aimed at making things happen.

Management on its part [is a set of principles](https://www.managementstudyhq.com/functions-of-management.html) relating to the functions of planning, organizing, directing and controlling, and the application of these principles in harnessing physical, financial, human, and informational resources efficiently and effectively to achieve organizational goals. For David D. Van Fleet, et al, (1994), in the *illustrated, Publisher,* management is a set of activities directed at the efficient and effective utilization of resources in the pursuit of one or more goals.

Thus, the term Judicial Administration is a system that is bond with the management of Court System, it can also be referred to as Court Administration fervently concerned with the daily activities of Courts. Judicial Administration consists of the practices, procedures and offices that deal with the management of the system of courts. Judicial administration, or administration of the court has traditionally been concerned with overseeing budgets, assigning judges to cases, creating court calendars of activities, and supervising non-judicial personnel in order to enable the judges/justices deliver timely, effective, fair and impartial judgment in the society. There is a need to modernize and rationalise better means of service delivery in our system to maximize its capacity to meet up with current day realities of our society

Every nation has its own judicial administration. There is no gain saying the fact that the stronger the administration and management of our courts, the better they will perform. This paper therefore focuses on the role and structure of the court system in Nigeria; the principles of judicial administration and management and how they can be harnessed to ensure optimal performance of our justice system.

**The Role and Structure of the Court System:**

The courts play an important role within a country. There are several reasons for the existence of the court system and some of these reasons without exhaustions are as follows.

* The court helps people to get protection under the law so that they can enjoy their constitutional rights.
* People depend on the court for fair judgment as all of their cases are heard by the judges and/or justices as the case may be when their cases are presented in the civil court as well as criminal court.
* A forum offered by the court settles disputes and also enforces the laws in a rational and fair manner.
* It regulates social behaviours by attaching sanctions to social ills to serve as deterrent to would be malfeasors.
* It serves to checkmate the excesses of the other arms of government when the need arises.

The Constitution of the Federal Republic of Nigeria (FRN) is explicit on the structure of our Courts in Nigeria by clearly spelling out its hierarchy. The Area Courts,Customary Courts and Magistrate Courts even though not specifically mentioned in the constitution fall on the bottom part of the ladder and all function under the High Courts of the various states while the Supreme Court leads the entire system and has Federal recognition. The basic essence of the judicial administration of Nigeria is therefore;

To ensure uniformity in all the court system; that there are regulatory organs constitutionally recognised to ensure smooth operation of the judiciary either at the State level or the Federal level key amongst which are the National Judicial Council, Federal Judicial Service Commission with its replica in form of State Judicial Service Committee in the various States.

The Federal Judicial Service Commission under the Chairmanship of the Chief Justice of Nigeria is mandated under the Constitution to solely oversee the administration of judicial officers stated in *paragraph 13 section 1 of the 1999 Constitution of the Federal Republic of Nigeria*. In line with the above, the Commission has the power to advise the National Judicial Council in matters of appointment or nominating persons for the office of the Chief Justice of Nigeria, Justice of the Supreme Court, the Chief Judge of the Federal High Court, the Chairman and other members of the Code of Conduct Tribunal.

 It is her duty to also recommend, remove, dismiss and exercise disciplinary control over the Chief Registrars, Deputy Chief Registrars and other Registrars of the Supreme Court, the Court of Appeal and other Federal Court.

In this paper, I would like to focus more on some of the principles of Judicial Administrations and Management, as outlined by the Conference of Chief Justices (CCJ) (2004) Policy Resolution 23, ***In Support of Principles of Effective Judicial Governance and Accountability,*** and also do an overview of the role of Judicial Administrators to enable us assess ourselves and our activities as administrators and managers.

1. **The first of these principles is the principle of a well-defined judicial governance structure for policy formulation and administration for the entire court system.**

The judicial governance structure should be apparent and explicit with clearly defined relationships among governing entities, Presiding Judges, Court Administrators and various Court Committees. Why this principle? It is to enable both the public and those working in the judicial system to understand how the governance structure operates, and equipping them to know who has authority to make decisions, how decisions are made, and how all component parts relate. It is therefore, important that the authority of judicial leaders, administrators and managers be well-defined and articulated. The purpose of a well-defined governance structure in the judicial system is to enable the development of state-wide or court wide policies that will ensure uniformity of customer experience at all court levels, by enhancing uniform administrative practices for the entire court system.

2. **Judicial and administrative leaders should be selected based on competency.**

The complexity of modern court administration demands a set of skills not part of traditional judicial selection. Selection methods for judicial leaders especially should explicitly identify and acknowledge competent skills, to enhance efficient administration and management of the judicial system. Such competent leaders will in turn train and impart positively on their sub-ordinates within the system, which will culminate into optimum productivity in the generality of the judicial system.

3. **Judicial leaders should focus attention on policy level issues while clearly delegating administrative duties to court administrators.**

Decisions about policy belong with the structural “head” of a judicial system, but implementation and day-to-day operations belong to administrative staff. An effective court administration therefore requires a strong court administrative team ranging from Chief Registrars, Deputy Chief Registrars, and Directors to yield optimal productivity.

4. **Administrative Heads, whether federal or state, should exercise management control over all resources that support judicial services within their jurisdiction.**

Fundamental to effective management in any corporate organization is the principle guiding resource control. Court leadership must be given the authority to manage the available resources allotted them. This authority lies solely in the Chief Registrar who is the Chief Accounting Officer of the court in accordance with the scheme of service for Federal Judicial Service Commission. Some of this responsibilities are further shared with other cadres of officers within the administrative and management group such as the Deputy Chief Registrars and Directors within the court system. Courts must vehemently resist being absorbed or managed by the other branches of government like the executive and the legislature. Therefore emphasis must be made on the importance of financial independence of the judiciary. The challenge for the court leadership therefore, is to ensure the availability of sufficient resources and to administer the use of those resources to boost productivity of the judicial system especially by taking adequate care of judicial officers’ and the generality of staff welfare.

**Overview of the Role of Judicial Administrators**

The Chief Registrar is referred to as the Sheriff while the Deputy Chief Registrar is the Deputy Sheriff in some International Jurisdictions. He is the Head of Administration and perform only administrative duties. He administers the departments in the court with the assistance of deputies and heads of departments. Their roles as Judicial Administrators is as follows:

1. Superintending the preparation and performance of the Court budget.
2. The efficient administration of the organogram of the Court ensuring that every Department or Unit function optimally in line with set out goals. Some of the Departments in the Court are Litigation, Administration, Finance/Accounts, Engineering, Procurement, Planning, Research and Statistics, Election Petition Tribunals, etc.
3. Provision of resources for judicial officers based on need and available resources.
4. Assisting in creation of Court’s calendars of activities under the direction of the Head of Courts.
5. Ensuring proper supervision of processes relating to filing of court documents, maintaining a file system of cases and keeping proper records of all final judgments, among others.
6. They are also expected to eliminate waste and inefficiency in the courts, ensure diversity of approach to management of the court system and provide easy access to the courts for members of the public through a vibrant and highly effective court Registry.

**Relationship between the Heads of Court, other Judicial Officers and the Judicial Administrators**

The Heads of Court superintends over the adjudicatory roles as well as the general administration of the Court. The Judicial Administrator, therefore in the performance of his duties, is subject to the authority of the Heads of Court.

He in turn supervises other staff under his or her authority and reverts to the Head of Court who may also assign some responsibilities directly where necessary.

The other Judicial officers are persons who exercise the powers and duties of a judicial officer apart from the Head of Court.

In the Court of Appeal, for instance, the Chief Registrar reports to the Hon. President and attends to the needs of His Lordship’s 80 brother Justices of the Court of Appeal. In the twenty (20) Divisions of the Court also, the Deputy Chief Registrars report to the Presiding Justice and also ensure that all the other Hon. Justices are properly catered for.

The Judicial Administrator therefore in the discharge of his duties has the advantage and privilege of having a close working relationship with his or her Head of Court and other Judicial Officers, their family members and all the staff of the Court.

In performing these roles, he is expected to strike a balance in his relationship with the Heads of court and other judicial officers by ensuring that the goal of the Court is prioritized. He must endeavour to equip himself with top skills for effective performance of his duties while providing a high standard of service delivery.

**Skills for Successful Management of the Court**

These skills are in line with international best practices for administration and management and are therefore essential for easy administration in the courts:

* Interpersonal skills.
* Communication and motivation
* Organization and delegation
* Planning and strategic thinking
* Problem solving and decision-making
* Stakeholders awareness
* Mentoring.

**Challenges in Judicial Administration and Management in Nigeria**

1. Inadequate funding of the Courts.
2. Use of outdated Case Management System
3. Lack of discipline inherent in the public service
4. Need for enhanced welfare of Judicial Officers and staff.
5. Insecurity in some parts of the country.
6. Lack of proper infrastructures to support Judicial Administration
7. Lack of training to equip and prepare staff in line with best international practice.

**Recommendations:**

To have an optimum productivity in the judicial system, attention should be given to;

1. Increase funding to the Judiciary as this will enhance the proper administration of the Courts.
2. A well-defined judicial governance structure for policy formulation and administration for the entire court system.
3. Judicial leaders and administrative heads should be selected based on competency and thereby pass such competence skills to their subordinates through training.
4. Judicial leaders should focus attention on policy level issues while clearly delegating administrative duties to court administrators and managers.
5. Court leaders, whether state or local, should exercise management control over all resources that support judicial services within their jurisdiction.
6. The use of computers and other information technology (IT) as a whole will help in enhancing the productivity of our courts.
7. Court leadership should make available, within the court system or by referral, alternative dispute resolution approaches such as; mediation, arbitration or similar resolution alternative that allows the disputants to maintain greater control over the process, and referral to an appropriate administrative body for determination.
8. The principle guiding qualified, competent, and well-trained workforce should dully be adhered to.

**Conclusion**

Effective and efficient judicial administration and management demand a well-defined judicial governance structure for policy formulation and administration for the entire court system, Judicial leaders and administrative heads should be selected based on competence. Judicial leaders should focus attention on policy level issues while clearly delegating administrative duties to court administrators i.e. the Chief Registrars and other cadre of officers in the management team.

**Thank you for your audience.**