

NATIONAL CENTER FOR STATE COURTS
International Programs
2425 Wilson Boulevard, Suite 350
Arlington, VA 22201
www.ncsconline.org

NIGERIA RULE OF LAW PROJECT (PHASE II)
Quarterly Report No.9
Reporting period: July 1 through September 30, 2004
Submitted October 15, 2004

By

Kelly Gavagan, Chief of Party

USAID/Nigeria
Cooperative Agreement
620-A-00-02-00113-00



NIGERIA RULE OF LAW PROJECT (PHASE II)
Quarterly Report No.9
Reporting period: July 1 through September 30, 2004
Cooperative Agreement #620-A-00-02-00113-00

A. PROGRESS SUMMARY

This report outlines the work conducted by the National Center for State Courts (NCSC) on the Nigeria Rule of Law Assistance Project, Phase II (NROLAP). The project provides technical assistance to the State High Courts of Lagos, Kaduna, and the Federal Capital Territory (FCT) of Abuja in Nigeria, and received approval this quarter for the addition of Rivers State, in a Nigerian-led process to improve the judicial sector. Originally scheduled to close August 15, 2004, an extension was approved enabling the project to continue through March 15, 2005.

In addition to engaging stakeholders and donor coordination, the project has four general areas in which it is providing technical assistance: Budget Preparation; Court Performance; Judicial Ethics; and Public Access and Reporting. The project builds on NCSC's activities under the Nigeria Rule of Law Assistance Project (Phase I) to assist leaders in the judiciary in developing consensus and identifying priorities for change. These tasks are accomplished through support to, and with participation from, four pilot courts, and a newly-reorganized Advisory Committee with strategic planning working groups.

B. TASK SPECIFIC ACCOMPLISHMENTS DURING THE REPORTING PERIOD

The following highlights were accomplished during the third quarter of 2004:

- The project was approved to extend beyond its original close out date of August 15, 2004 for an additional seven months in order to continue assistance to the three already engaged states, and to build upon the achievements in those states by providing technical assistance to a fourth state, using project staff and primarily Nigerian consultants.
- Supervised by NCSC staff, court staff at the Kaduna, Lagos, and FCT pilot courts have progressed to test phase II of the Case Tracking Software implementation process, which involves the inputting of live data from the courts files.
- On 6 July and 26 August 2004 NCSC staff delivered lectures on the Code of Conduct for Court Employees at workshops facilitated by the National Judicial Institute. This illustrates the project's continued efforts to partner with key Nigerian organizations to promote the sustainability of achievements made in the area of Judicial Ethics.
- Installation of the Case Tracking System and training for the staff in the High Court in Ikeja, a division of Lagos State.

1. Overall Project Development and Donor Coordination.

This quarter NCSC has continued to maintain a greater presence in the courts with the aim of enhancing the courts' ability to sustain the Nigeria Rule of Law Assistance Project (NROLAP) reforms. Considerable attention has been given to the installation and implementation of the Case Tracking Software developed by NCSC staff and efforts are currently being made to develop an upgrade for use in the pilot courts.

Since sustainability of project successes continues to be an integral issue at this stage of Phase II of the NROLAP, greater NCSC local staff involvement has been imperative to accomplish the set tasks and objectives of the project. As a result, NCSC/Nigeria staff has played an active role in each pilot court providing technical assistance and continued supervision, especially in the area of Case Tracking Software implementation, as well as coordinating other project efforts as required.

Work plan

Approval of the project extension was granted on September 16, 2004. Because there was a one-month period between the contract end date and formal approval of the extension by USAID/Nigeria, project tasks requiring additional expenditures were suspended pending approval for one-third of this quarter. However, immediately upon approval of the extension, NCSC staff renewed implementation of their planned activities. During the interim, an outline and schedule of activities for the extension period was developed by COP and NCSC home office staff, and approved by USAID.

Project Staffing

Following official approval of the project, Peggy Ochandarena and Richard Van Duizend of NCSC Arlington arrived in Nigeria to provide support to the project while the COP was on leave.

Donor Coordination and Meetings with Stakeholders

As described below, NCSC continues to coordinate project efforts with other donors (e.g., DFID), Nigerian institutions, and stakeholders by participating in meetings and other project coordination activities to the extent possible.

The Chief Judges and Chief Registrars of each of the pilot courts, members of Civil Society Organizations, and other key stakeholders continue to lend considerable support in the area of donor coordination.

Meetings with Project Courts and Stakeholders

On July 1-2 Court Administration and Training Advisor (CATA) Bob Wily and Senior Program Coordinator (SPC) Hadiza Saeed honored the invitation of the Chief

Judge of the Lagos High Court to attend his retirement ceremony. Discussions were also held with other judges and key staff of the Lagos State judiciary.

COP, CATA, and SPC met with key officers of the Legal Research Initiative (LRI) to discuss court monitoring project issues on 15 July.

COP and SPC met with the Director of Civil Litigation of the Abuja High Court on July 16 to discuss developments arising from the use of Case Tracking Software and the effects of court policy changes on the process.

On 26-27 July, NCSC staff met with Darius Khobo, Chief Registrar of the Kaduna High Court, and the Case Tracking Software implementation team of the Kaduna State judiciary to discuss the progress in entering and using the data.

On August 3, COP and SPC met with the Chief Justice of Nigeria to discuss the subsequent role of the Advisory Committee and other project related issues.

On August 3, COP and SPC met with the Deputy Chief Registrar Court of Appeal to discuss the possible impact, if any, of Electronic Court Recording on the number of appeals arising based on the records of court.

COP and SPC met with the Director of Civil Litigation of the Abuja High Court on August 3 to discuss strategies for improving data entry using the Case Tracking Software.

COP and NCSC staff met with the DFID's computerization project team and Hon. Justice Ayo of the Lagos State High Court on 9 August to discuss the continued synergy of efforts between DFID and NCSC and the incorporation of the Case Tracking Software into the networking system being developed by the DFID project team.

On 9 August, NCSC staff met with the Directors and key officers of the grantee organization LRI to discuss issues concerning the court monitoring project in Abuja.

On 12-13 August, NCSC staff met with key officers of the grantee organization Legal Defence and Assistance Project (LEDAP) to discuss issues pertaining to the court monitoring project in Lagos.

COP and SPC met at length with the Chief Judge of the Federal Capital Territory on 12 September to discuss ongoing court reforms and undertook a tour of the new High Court complex currently under construction.

On 15 September, COP and SPC met with the Chief Registrar Kaduna High Court to discuss efforts being made by that court to implement project reforms.

On 20 September, COP and staff honored the invitation of the Chief Judge Kaduna High Court to attend the ceremony commencing the New Legal Year.

On 21-23 September, COP and staff met with the Chief Justice of Lagos Judiciary to discuss issues related to the Case Tracking System, Electronic Court Recording training for court staff, and Lagos' purchase of additional ECR equipment as cost share.

On 27-30 September, staff completed installation and initial training at the Ikeja High Court in Lagos. On 29 September, Project Manager (PM) Peggy Ochandarena and staff met with the Chief Justice to discuss continuing issues of staff implementation of CTS activities and the possibility of increasing court monitoring activities.

On 29 and 30 September PM and staff met with Judge Candide-Johnson, the ADR judge in Lagos, and Kehinde Aide, Director of the Multi-Door Courthouse project, to discuss their assistance in introducing ADR in the Port Harcourt courts.

Meetings with USAID

COP and other project staff met with Mr. Charles Cutshall, Cognizant Technical Officer at USAID, on at least a weekly basis during the quarter to discuss progress, challenges and plans. Program Manager Peggy Ochandarena and Senior Consultant Richard Van Duizend from NCSC Arlington met with Minnie Wright and Ken LeuPhang at USAID on September 27.

2. Advisory Committee Activities

No Advisory Committee meetings were held during this reporting period. NCSC is currently in the process of scheduling a series of sub-committee meetings for November with the aim of finalizing a blueprint of judicial reforms before its final presentation to the plenary session of the Committee early next year.

3. Data Collection

Local NCSC staff has continued to maintain a significant presence in the courts to ensure a smooth transition to and integration of the automation of case tracking system into the process currently being used. Court staff in FCT, Lagos, and Kaduna have begun phase II of the implementation process which involves the entry of live data using the Case Tracking Software (CTS). It is anticipated that before the end of October, CTS will have been installed and initial training conducted in Rivers State.

4. Substantive Project Tasks

Court Performance

Abuja (FCT)

The High Court of the FCT under the leadership of Chief Judge Gummi has continued to make remarkable progress most notably in the areas of court performance and public access and reporting. On 29 and 30 September, Richard Van Duizend and SPC attended the conference sponsored by the FCT High Court to address proposed changes to the Rules of Civil Procedure. The Chief Judge of the High Court presided over the conference, which was attended by members of the Court's Drafting Committee, other Court members, the Grand Kadi, and senior members of the Nigerian Bar Association. The Chief Judge explained that the purpose of updating the rules was to remove bottlenecks, facilitate the expedient dispensation of justice, and reduce costs of pursuing legal actions. Key rule changes are designed to limit frivolous lawsuits, reduce time periods and adjournments, modernize notice procedures, and permit referrals to Alternative Dispute Resolution (ADR) and electronic recording of court proceedings. The Nigerian Bar Association generally supported the rule reforms. The suggestion by NCSC attendees regarding proposed changes on the rule limiting pretrial extensions was accepted and incorporated into the proposed Rules. NCSC further provided information on court oversight of dispute resolution programs, and electronic service of process.

The court has also purchased twenty-one pieces of Electronic court Recording equipment for installation in all the courts. NCSC agreed to assist with training.

The Chief Judge has introduced two procedural changes designed to expedite the dispensation of justice in criminal matters; now cases are filed directly at the High Court instead of going through the magistracy; and preliminary investigations have been eliminated.

Alternative Dispute Resolution (ADR) continues to remain a key objective of the FCT High Court. The Chief Judge intends to appoint an ADR judge subsequent to the new Rule being signed into law on 6 October 2004 and campaigns have been launched to address the apathy experienced from lawyers regarding filing cases at the Abuja Multidoor Courthouse.

The Chief Judge has gone further to constitute three committees: Rules Revision; ADR; and Case Management to sustain the reforms introduced by the NCSC and the court.

NCSC staff met frequently with Chief Judge Gummi, Hon. Justice Bello, the Chief Registrar Aisha Bage, and other key staff of the court and AMDC.

Kaduna

Under the leadership of Chief Judge Cudjoe the Kaduna state High Court continues to actively participate and implement programs aimed at improving the functioning of the court. It is worthy of note the dedication and support maintained by Chief Judge and her staff to the NROLAP. On 20 September, Chief Judge Cudjoe gave an address on the occasion of the 2004/2005 Legal Year. In her remarks, she announced that orders have been placed for computers for all of the High Court Judges, and that these will enhance the Case Tracking System that NCSC has developed and installed there. She mentioned all the workshops that NCSC has sponsored for the Kaduna High Court, and in which Kaduna High Court has participated.

Although funding continues to be an issue, the court has sustained a high level of interest in establishing a court-annexed ADR facility. To date they are awaiting a response from the World Bank while also pursuing funding from the state government.

NCSC staff met frequently with Chief Judge Cudjoe, the Chief Registrar and other key staff this quarter.

Lagos

Lagos state High Court has begun implementing the new Civil Procedure Rules, which has resulted in some delay due to the recall and reassignment of case files that were not in compliance with the new rules. It is anticipated that these delays will be dispensed with once the ongoing restructuring efforts are concluded.

Under the leadership of Chief Judge Ade-Alabi the court has begun utilizing the CTS; this precedes the anticipated networking project to be undertaken by DFID. The state government has purchased over fifty pieces of ECR equipment for all the High Courts of Lagos state and the Chief Judge has requested that the NCSC provide training to court staff on the use of ECR which the court will facilitate. NCSC has agreed to participate to the extent possible.

NCSC staff met regularly with Chief Judge Ade-Alabi, Hon. Justice Candide-Johnson, Hon. Justice Ayo and other key staff of the court

Budget Preparation

There was no activity on this task this quarter.

Three Branch meetings

There was no activity on this task this quarter. [Kelly: is this right?]

Judicial Ethics

In furtherance of collaborative efforts between the NCSC and National Judicial Institute (NJI), NCSC staff delivered a paper based on the Code of Conduct for Court Employees at an NJI facilitated workshop on Ethics for Court Registrars.

In her address, CJ Cudjoe of Kaduna State called NCSC's compilation of the Code of Conduct for Court Employees, a "remarkable achievement" and pledged to hold workshops for Kaduna State court employees on the Code, noting that staff knowledge of the Code will result in improved employee efficiency and, ultimately, a better justice delivery system. She stated that Kaduna State has benefited greatly from the project, that she was willing to share what they have learned with other states, and expressed her appreciation to both NCSC and USAID for their contributions.

Small Grants

Court monitoring has continued this quarter in FCT and Lagos. As part of the extension, plans were made to continue and increase the court monitoring activities in Abuja and Lagos, and extend them to Kaduna and Port Harcourt.

Public Access and Reporting

The Chief Judge of the Lagos High Court gave NCSC staff several copies of the 2003 Lagos Judicial Annual Report; it is the Court's second annual report. The report was so well done that NCSC staff asked the Chief Judge if he would release the staff that were instrumental in producing the annual report to lead an NCSC-sponsored workshop on producing annual reports; the Chief Judge enthusiastically agreed to have his staff participate. NCSC is planning a workshop for the next quarter and will likely use these local consultants in lieu of an international consultant.

C. DIFFICULTIES ENCOUNTERED AND ACTIONS TAKEN TO RESOLVE THEM

During this quarter, the project officially ended on August 15, 2004. The application for an extension had been submitted in February of this year, but additional information regarding the proposed extension budget was required in mid-August. The extension was then approved, but the approval was withdrawn shortly thereafter due to staffing issues. The COP had been proposed on another USAID project by another company, and the company won the contract and pressured the COP to leave Nigeria before the project close out date. NCSC advised USAID/Nigeria of the situation and was asked to submit a satisfactory plan to assure continued coverage of the project with minimal disruption, and a new budget reflective of the personnel changes. NCSC did so, and USAID approved the revised plan on September 16, 2004. The new plan was immediately implemented, with NCSC home office staff arriving in Nigeria less than a week later to give the project ongoing support. Before the quarter ended, NCSC activities had resumed in full.