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**DRAFT**

**Nigeria Rule of Law Assistance Program**

**REPORT ON  
CASEFLOW MANAGEMENT  
AND  
COURT ADMINISTRATION**

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## **PART 1. – BACKGROUND AND FRAMEWORK**

### **I. BACKGROUND AND PURPOSE OF THE REPORT**

Under a contract awarded in 2000 to the National Center for State Courts (NCSC) by the United States Agency for International Development (USAID), NCSC is supporting an inclusive Nigerian-led process of national strategic direction and formulation of priorities for the judicial sector. NCSC is responsible for certain tasks to assist the government of Nigeria in the difficult process of establishing values and requirements for a judicial system in a democratic and diverse nation. As part of a larger initiative specified in the contract, a portion of Task 5 was to conduct an analysis of three Nigerian High Courts of Justice, to provide caseload management training to judges and court officials, and to coordinate certain judicial activities to contribute to improving the justice system in the three target courts. These are the High Courts of Justice in Lagos State, Kaduna State, and Federal Capital Territory (FCT) Abuja.

The initial step in Task 5 was for the NCSC project team to conduct management audits, working in direct consultation with the Chief Judges of the three courts. This work took place in Nigeria from January 27 through February 14, 2001. To collect data and develop the recommendations contained in this report, the NCSC team conducted individual and group interviews with judges and court officials, counted and analyzed activities recorded in cases, observed workflow and court proceedings, and held meetings with public agency representatives, elected officials, and members of the Nigeria Bar Association. The team returned to Nigeria in June 2001 to review all recommendations contained in this report, provide caseload and calendar management training for judges of the three courts, and assist judges and court officials to develop action plans to guide their efforts toward improving the timely disposition of cases in those courts.

### **II. ORGANIZATION OF THE REPORT**

This report is in response to certain requirements of Task 5. It is organized as follows:

**Part 1** This section describes the purpose of the report, an overview of the national context and the three target courts, previous relevant studies of Nigeria's justice system, and the framework for justice system improvement and caseload management which underlies the recommendations contained in the report.

**Part 2** This section contains the team's findings and recommendations with respect to the Kaduna High Court of Justice.

**Part 3** This section contains the team's findings and recommendations with respect to the FCT Abuja High Court of Justice.

**Part 4** This section contains the team's findings and recommendations with respect to the Lagos High Court of Justice.

## Appendices

### III. Overview of the National Context and the Three Target Courts

#### A. National Context

Following nearly 16 years of military rule, a new constitution was adopted in May 1999 and Nigeria became a democracy. Slightly more than twice the size of California, Nigeria is the region's most influential country both economically and militarily. With an estimated population of over 100 million, it has more than half the region's people and one of its most educated workforces. Nigeria is the world's fourth largest exporter of oil. It is culturally quite diverse, with Hausa predominating in the north, Yoruba in the southwest, and Igbo in the southeast, and many smaller ethnic groups scattered throughout the country.

The geographic areas served by the three courts are quite different. Kaduna State, in the north-central area, is now a major industrial, commercial, and financial center for the northern states. Lagos State, located in south central Nigeria, was the nation's capital until December 1991. With an estimated metropolitan area population of 13 million, predictions are that Lagos will become one of the world's five largest cities by 2025. Lagos is a major hub for commerce, government administration, finance, education, and manufacturing. FCT Abuja is in central Nigeria, and the city of Abuja is now the federal capital. Originally built for 25,000 people, the city is now home to over 400,000, and projections for this fast-growing area early in the 21<sup>st</sup> century call for over one million. Abuja is the home of the National Assembly and the Supreme Court of Nigeria. The rapid population growth in Lagos and Abuja has significant implications for caseloads of the High Courts in those areas.

#### B. Constitutional Authority for the Courts

Chapter VII of the 1999 Constitution of the Federal Republic of Nigeria, entitled "The Judiciary, Part I-A and Part I-B," establishes the Supreme Court and Court of Appeals of Nigeria. Part I-C establishes the High Courts of Justice. Subsequently, Part II, Section 270 establishes the High Courts with laws regarding appointment of judges to the court, general jurisdiction, and powers. In general, the High Courts "...shall have jurisdiction to hear and determine any civil proceedings in which the existence of or extent of a legal right, power, duty, liability, privilege, interest, obligations or claim is in issue or to hear and determine any criminal proceedings involving or relating to any penalty, forfeiture, punishment, or other liability in respect of an offence committed by any person." In summary, the High Courts of Justice hear civil cases, felony cases that are directly filed in the court by the Attorney General or Minister of Justice and, under Nigeria's new Marriage Act, divorce cases.

### **C. Characteristics of the Three Courts**

The structure of the judiciary in the three areas is similar, but there are substantial differences in size. In Kaduna State and FCT Abuja, the judiciary includes Area Courts, Municipal Courts, the High Court of Justice, and the Court of Appeals. In Lagos State, the judiciary includes Customary Courts, Magistrate Courts, the High Court of Justice, and the Court of Appeals. All three areas also have Shari'a Courts and a Shari'a Court of Appeals that deal with Muslim law.

The Kaduna High Court of Justice is located in the center of the city. In addition to Chief Judge Rahila Hadea Cudjoe, there are 19 judges assigned to process criminal and civil cases in five separate locations in and around the city. At present, three judge positions are vacant.

The administrative offices of the FCT Abuja High Court of Justice are located in the center of Abuja city. In addition to Chief Judge M.D. Saleh, there are 17 judges working in five locations: 10 in Abuja, 3 in Kubwa, 2 in Kwali, and 1 each in Zuba and Gwagwalda.

The administrative offices of the Lagos High Court of Justice are located in Ikeja. Another equally large branch of the court operates on Lagos Island. Additionally, there are two smaller courts operating in the Lagos metropolitan area, one in Ikorodu and one in Badgari. In addition to Chief Judge C.O. Segun, there are 35 judges assigned to process civil and criminal cases in the court. Of these 16 are assigned to Ikeja, 17 to Lagos, and one to Ikorodu and Badgari. Of these positions, seven are vacant.

### **IV. Previous Relevant Studies**

In recent years, there have been a number of reviews and studies of the Nigerian court system. In preparing for this study, the NCSC project team reviewed a lot of this material, such as the report of the Nigerian Court Procedures Project for the reform of the civil justice system in the Lagos High Court of Justice, 1997- Nigerian Institute of Advanced Legal Studies (the NIALS Report); World Fact Book of Criminal Justice Systems-Nigeria, Obi N.I. Ebbe, State University of New York at Brockport-circa 1990; reports of Judge Clifford Wallace, consultant to Nigeria, based on his visits to Nigeria in November 1999 and April 2000; and Joint Donors Mission Draft Report - European Union, UK Department for International Development, USAID, UNDP, and World Bank, June 2000.

These works and others have contributed enormously to an understanding of the justice system in Nigeria and point to many challenges faced by Nigeria's judicial leaders in their quest to develop a modern court system that meets the needs of the citizens it serves. The studies point to the existence of major problems with every element of the civil and criminal justice system in the country. Study methodologies included surveys, analyses, and observations of a cross section of experts both in and out of the justice system. Other than the current USAID Rule of Law Project, it is uncertain as to what has actually been implemented as a result of the various studies and reports. What is clear, however, is that the same themes and problems resonate in all of the reports: corruption at all levels, lack of resources, misaligned organizational structure, and rules and procedures lacking in scope, clarity, and enforcement. The following summarizes key elements of past work that provided the foundation for the current project:

## A. The NIALS Report

The 1997 report of the NIALS project<sup>1</sup> is the most meaningful, insightful, and comprehensive study of a major civil justice system conducted to date in Nigeria. The project comprised comparative research on the scope, dimensions, and causes of trial delays in the civil system of the Lagos High Court of Justice. The primary project objectives were as follows<sup>2</sup>:

1. Conduct a field study and collation of views and data on court procedures in the civil justice system of the Lagos High Court of Justice so as to have a clear understanding of the causes of delays in litigation and denial of justice.
2. Identify the specific deficiencies of the existing code of the civil procedure and system of court administration.
3. Identify means, structures, and processes to enhance access to justice by litigants.
4. Conduct a study of procedural reforms in the other common law jurisdictions, such as the United Kingdom, Australia, etc., with a view to adopting suitable methods rules and strategies in the proposals meant to reform the civil justice system in Lagos State.
5. Prepare a preliminary report and an outline of action based on these Studies for consideration by Stakeholders at a Technical Workshop.
6. Convene a technical workshop to consider the preliminary report and proposals for legal reforms and agree on a plan of action for reforming the civil justice system in Lagos State.

The report states: "The primary reason for embarking on a social survey inquiry under the Nigerian Court Procedures (NCP) project is to generate first-hand, empirical materials for doing comparative up-to-date assessment of the extent, dimensions, and causes of trial delays in the civil justice system of the Lagos High Court of Justice. The immediate benefits expected from this exercise pertain to the provision of a rational basis for appropriate, specific proposals for the reform of the system with a view to reducing trial delays and consequently enhancing justice."<sup>3</sup>

Although report findings chronicled several causes of delay, which include corruption, high cost of litigation, inadequate number of judges, poor conditions of service of judicial personnel, poor and inadequate physical infrastructure and facilities, and problems with rules of civil procedures, to mention a few, the real challenge is in the solution. This challenge is much more compelling since, as the report points out, most of the key actors are in denial, and no one wants to take responsibility for the malaise that has befallen the system.

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<sup>1</sup> The Nigerian Court Procedure Project – Final Report, Nigerian Institute of Advanced Legal Studies, Lagos, 1997.

<sup>2</sup> Ibid, pages 1 & 2.

<sup>3</sup> Ibid, page 2.

In that regard, the report contains this salient statement: "It is somewhat illogical however, for the judiciary to admit that the system of civil justice administration is in trouble, yet fail to admit an honest share in the problem." It continues on to say, "...unless this understandable human attitude to be self-defensive is moderated by a healthy dose of realism, objectivity and honesty the problem will not get resolved. After all, it is often said that once a problem is correctly identified half the solution is automatically identified thereby."<sup>4</sup> The lesson from the foregoing observation is that any court improvement or reform effort requires the cooperation of all of the major actors in the system. Each participant in court improvement must know his or her own role and be cognizant of the unique role and contributions of others. Without this critical element, court reform efforts are usually doomed to failure.

The NIALS Report is an objective study of the Nigerian civil justice system, but may be viewed with skepticism by some because it deals head on with problems caused by corruption, dilatory practices of lawyers, and the proven incompetence of some court administrators. Results of the study are summed up in the recommendations contained in Chapter Five of the report. They include:<sup>5</sup>

1. **Goals of the Civil Justice System in the Lagos High Court of Justice:** Justice should be impartial, corruption-free, prompt, affordable, visible, and effectively managed and organized.
2. **Avoidance of Litigation:** This recommendation gives strong support for the introduction of court connected Alternative Dispute Resolution (ADR) programs to save scarce judicial time and resources and for many other reasons.
3. **Reduction in the Length of Trials:** This recommendation addresses reducing adjournments, using existing time saving rules, ceasing to tolerate abuse or mischievous use of rules, and improving case management techniques.
4. **Court Reorganization:** This section contains about a dozen recommendations including: creating Specialist Division, Master/Registrars Courts, Sheriffs Court (for execution and enforcement of process), court connected ADR, and other types of specialized courts (e.g., small claims); introducing research assistants, verbatim recording, audio-recording, and administrative judges; privatizing some administrative functions (service of process, cleaning and janitorial services, transportation services, general security services, etc.); introducing part-time or adjunct judges, and other types of specialized courts; and other measures, such as establishing a central computerized database and strict time-frame for cases.

## B. The Wallace Reports

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<sup>4</sup> Ibid, page 63.

<sup>5</sup> Ibid, pages 95-113.

The other significant work on Nigerian courts is the report resulting from Judge Clifford Wallace's USAID-sponsored consultancy to Nigeria in November 1999 and April 2000. In this report, Judge Wallace's observations and recommendations addressed several themes, including the budgeting process, delay, case management and ADR, independence of the judiciary, technology, training, legislation, taking of notes by judges, the bar, and corruption. He makes a number of recommendations that are remarkably similar to those of the NIALS Report. He calls for major improvements and/or reform in court budgeting, trial delay, case management, technology, training, and corruption, and recommends doing away with the burdensome task of note taking by judges.

To strengthen the independence of the judiciary, a concept that is relatively new and of no real interest in Nigeria, Judge Wallace also recommended that an annual three-branch conference be held to focus on critical issues of the government.

#### **V. Framework for Justice System Improvement and Caseflow Management**

In 1787, Alexander Hamilton wrote in the *Federalist Papers* that "the ordinary administration of criminal and civil justice contributes, more than any other circumstance, to impressing upon the minds of the people affection, esteem and reverence towards the Government." What was true 214 years ago is true today, particularly in present day Nigeria, as citizens in and out of government continue to seek ways to improve administration and delivery of justice. A couple of decades ago, Edward Gallas and Ernest Friesen<sup>6</sup> enunciated the key purposes of courts as follows:

1. To do individual justice in individual cases;
2. To appear to do individual justice in individual cases;
3. To provide a forum for the solution of legal disputes;
4. To protect citizens against arbitrary use of government power;
5. To make a formal record of legal status;
6. To deter criminal behavior;
7. To help rehabilitate persons convicted of crimes; and
8. To separate persons convicted of serious offenses from society.

These eight purposes are basic, but they highlight the point that any attempt to improve court operations must be consistent with the court's purposes, vision, mission, and core values. The recommendations of the NCSC team reflect this concept.

The remainder of this section underlines the importance of judicial commitment and leadership in the change process and describes seven principles of efficient caseflow management. These two issues strong support from the top and application of tested principles are at the heart of any caseflow management improvement initiative. Thus, the discussion below explains the basis for the recommendations contained in this report. These recommendations are systemic in nature; they do not focus on or single out any one individual or courtroom.

#### **A. Judicial Commitment and Leadership**

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<sup>6</sup> US State Court Administrators.

Given the increasing backlog of pending cases in the High Courts, coupled with the constraints of state rules of civil and criminal procedure, judges and court managers must be committed to effective and efficient caseload management. This requires the commitment of the leadership as well as their recognition of the critical importance of support and direction from the top. The Chief Judge of any court can set the tone and start to actively implement changes. To do so, the Chief Judge must manage judges in the court, encouraging them to be equally committed and to continually demonstrate their commitment in turn to court staff. By involving other stakeholders, judges can accelerate the pace of change. Change requires a great deal of cooperation from all stakeholders in the judicial system, including judges, court administrators and staff, the attorney general's office and prosecutors, other agencies, and members of the Bar. This cooperation is essential to improving caseload management and the timely disposition of cases.

As the first leadership step, the judges must develop and agree upon a formal court-wide policy of continuous improvement in caseload management. This policy should reflect three inherent characteristics of successfully managed courts: accountability, persistence, and a willingness to change. The next step is to set goals. Once these goals are defined and disseminated, the improvement initiative needs a plan of action supported by the majority of judges.

## **B. Principles of Efficient Caseload Management**

Although courts worldwide may differ in their specific approaches to caseload management, they generally apply the following principles to manage cases efficiently: (1) early court intervention and continuous control over case progress; (2) differentiated case management; (3) realistic schedules and meaningful pretrial court events; (4) firm and credible appearance dates; (5) team management of court cases by the judge and court staff; (6) management of court events after initial disposition; and (7) management of court calendars. These are the foundations of successful courts.<sup>7</sup>

### **1. Early Intervention and Continuous Control**

The first rule of effective and efficient caseload management is that "the court and not the attorneys should control the progress of cases from filing to disposition through post judgment activities."<sup>8</sup> Early control of cases results in shorter times to disposition. Early control means early intervention. Early control in case progress involves tasks such as receiving accurate information on the date of filing, proper noticing of parties, scheduling of time-certain hearings, issuing orders that govern the progress of the case, and intervention by the judge to resolve the case by negotiated settlement or plea. Continuous control means monitoring the case from the time it is filed in the Chief Registrar's Office, through assignment, hearing, dispositions, and post judgment activity.

### **2. Differentiated Case Management (DCM)**

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<sup>7</sup> Steelman C. David, et al, Caseload Management – The Heart of Court Management in the New Millennium, National Center for State Courts, 2000.

<sup>8</sup> American Bar Association, Trial Court Standards, Section 2.51A and Commentary.

DCM is one of the many means courts use to control cases. With this technique, the judge and court staff determine the appropriate level of court and attorney attention that will move each individual case to disposition in a just and efficient manner. This technique is based in the belief that cases are different and do not all fit into a single schedule. Some cases need the special-care control and custody of a judge, while others do not. Parts 2 through 4 describe DCM in more detail.

### **3. Realistic Schedules and Meaningful Pretrial Court Events**

For the management of caseflow to be effective and efficient, judges and court staff must require lawyers and parties to be prepared when they come to the court. Lawyers settle cases when they are prepared for meaningful events. Therefore, it is the responsibility of the judge and court staff to create the expectation that when an attorney is scheduled to appear in court, the events of that day will not only be meaningful, but will also result in moving the case forward to disposition. When events are adjourned without good cause, the costs of litigation increase for all involved.

The scheduling of pretrial matters calls also for a careful scheduling of future events in a case. The careful scheduling of events balances the need to complete case events in a timely manner with the need to accommodate the conflicting demands of the parties. Pretrial events should be set up and managed in such a way to teach attorneys to know that agreed upon scheduled events must occur on time, to realize that they must be present, and to understand that there will be sanctions if they don't follow their agreement with the court. To accomplish this, the judges and court staff must engage in continuing and consistently clear communications with members of the Bar by:

- Providing attorneys advance notice of deadlines and procedural requirements;
- Noticing attorneys that all requests for adjournments and other schedule revisions must be made in advance of the date set for its occurrence;
- Sanctioning lawyers who do not comply with the court's schedule or practice standards;
- Being consistent from the bench on requests for extensions and schedule revisions;
- Balancing the reasonableness of caseflow management procedures with the cost to parties.

### **4. Firm and Credible Appearance Dates**

Trials heard by judges should always commence on the first day scheduled. Again, the creation of an expectation by attorneys that events in a case will really occur is vitally important. When this expectation is clear, attorneys will know that they have to come to court prepared and ready to present their case. Having reasonable and firm trial court dates is a key feature of a successful caseflow management program.

### **5. Team Management of Cases**

To improve case management in a court, judges, their principal registrars, and other court staff must work together as a team to manage their caseload. This involves setting, hearing, and disposing of cases in an organized manner. Everyone on the judge's team should understand caseflow management as well as his or her position on the team. Led by the judge, the courtroom team should meet regularly and reinforce their commitment to increase the timely disposition of their assigned cases and to reduce the backlog of pending cases assigned to their courtroom. This type of ongoing consultation between judges and their staff will not only improve communication, but will also present a united front to the attorneys who practice before the court.

## **6. Post Disposition Management**

A large amount of activity occurs after the entry of initial judgment. Types of activities that fall into post dispositional management are criminal petitions for post conviction reviews, post decree motion in divorce cases to enforce or modify court orders, proceedings in probate cases after contested or uncontested rulings, and proceedings to enforce certain civil judgments and actions such as sale of goods. A court must evaluate the amount of time that elapses and the level of resources needed to address proceedings in cases after the entry of judgment. The judge and court staff should know the status of their cases and the amount of work they require. With this information in hand, the judge and court staff must develop methods to ensure that the court holds periodic reviews of post disposition cases.

## **7. Calendar Management**

The method by which cases are assigned and calendars are managed is important to how the workweek is structured and impacts how a judge organizes his or her workweek. Presently, High Court judges operate on an individual calendaring system. Under this type of system, cases are randomly assigned to the judge. The greatest strength of this system is that each judge takes individual responsibility for his/her caseload and as a result is more inclined to take control and move cases to timely disposition. Also, because the case stays with one judge, attorneys cannot easily "judge shop" in order to reduce the objectivity of the court. One weakness is that the individual calendaring system provides judges an opportunity to do business differently. Therefore, case disposition times can differ, and practices and procedures for the same type of case can vary. The individual calendaring system has been known to exacerbate the isolation that judges may experience and may not offer incentives for judges to help one another with day-to-day calendar problems.<sup>9</sup>

Organization of the judges' workweek into specific blocks of time is essential to good calendar management. Time-specific hearings and spreading the work out over an eight-hour day are essential to controlling the time of judges and court staff in court and in chambers.

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<sup>9</sup> Steelman C. David, et al, Caseflow Management – The Heart of Court Management in the New Millennium, National Center for State Courts, 2000, page 154.

## **PART 2. -- KADUNA**

The NCSC team's review of the structure, processes, management, and operations of the Kaduna High Court of Justice began with meetings in Abuja with Chief Justice M. L. Uwais of the Nigerian Supreme Court, Muktar Muhammad Dodo, the Chief Registrar of the Nigerian Supreme Court, Justice M.A. Ope Agbe, the Administrator of the National Judicial Institute, and others holding key positions at the national level in the Nigerian judiciary. These meetings were informative and allowed the NCSC project team to learn, from the national perspective, some of the operational issues facing the judicial system, as well as the Chief Justice's strategic vision and direction for trial courts operating throughout Nigeria. In Kaduna, the NCSC team met with the Hon. Justice Rahila Hadea Cudjoe, Chief Judge of the Kaduna High Court of Justice, 18 other High Court judges, the Chief Registrar, Alhaji Abdulkadir Othman, and several court officials who work for the Chief Registrar. The meetings produced lively discussions on the issues confronting the Kaduna High Court of Justice and what it needs to accomplish in order to improve its system of justice.

Part 2 is organized as follows:

- I. Caseflow Management
- II. Court Structure, Management, and Operations
- III. Court Policies and Rules of Procedure
- IV. Other Issues
- V. Capitalizing on the Past and Moving Forward

### **I. CASEFLOW MANAGEMENT**

This section summarizes elements of the caseflow process, provides statistics on the High Court's caseload, documents the volume and effect of adjournments, analyzes various causes of delay, and presents recommendations to reduce delay and improve the caseflow management process.

#### **A. Case Filing, Assignment, and Disposition**

When a party to a civil action files a new case in the Kaduna High Court of Justice, it must be initiated by filing it in the clerk's office of the Chief Registrar. Once a civil action is filed and recorded and filing fees are paid, staff in this office place the papers in the case into a file jacket. The case is then transferred to the Chief Judge for assignment, usually within 24 to 48 hours. In criminal cases, an attorney representing the state's Attorney General/Commissioner of Justice usually files actions against a defendant.

Judges working in each division of the court are required to submit end of the month reports to the Office of the Chief Registrar. The Chief Registrar takes great care to compile the monthly reports and publish Quarterly Return reports, which itemize and track quarterly and annual statistics for each legal year (LY). The legal year runs from September 1 through August 31. Besides keeping track of civil and criminal cases filed, the Chief Registrar publishes numbers for cases disposed as well as cases pending for the

Area Courts, Magistrate Courts, and High Court of Justice, and for cases sent to the Court of Appeals. Both monthly and Quarterly Return reports are then given to the Chief Judge for review and distribution.

**Recommendation 1:**

**The Chief Judge and other judges of the Kaduna High Court of Justice should use monthly statistical reports and Quarterly Return reports to monitor new filings and the pending caseload.**

**1. Case Filings**

Case filings are on the rise. For LY 1999/2000, the Kaduna High Court of Justice reports 2,129 new civil cases filed and 32 new criminal cases filed. During this period, 870 cases were disposed, and by legal year's end a backlog of 1,259 pending cases remained. The number of new case filings reported for LY 1996/1997 was 605 civil cases and 521 criminal/motion cases. Thus, by 1999/2000 the number of civil and criminal cases filed had increased by a factor of 2.5. Filings for the most recent four years show an average annual increase of 37% in the number of overall cases. If this rate of growth continues for the next five years, the courts will docket nearly 14,000 cases by 2005.

Figure 1 illustrates the impact this growth will have on Kaduna's High Court of Justice, showing past and projected caseloads. This figure combines civil, criminal, and motions cases because the data provided to the NCSC team contained varying breakdowns of case types filed. This prevented projection by individual case type.

**Figure 1 - Kaduna High Court All New Filings**

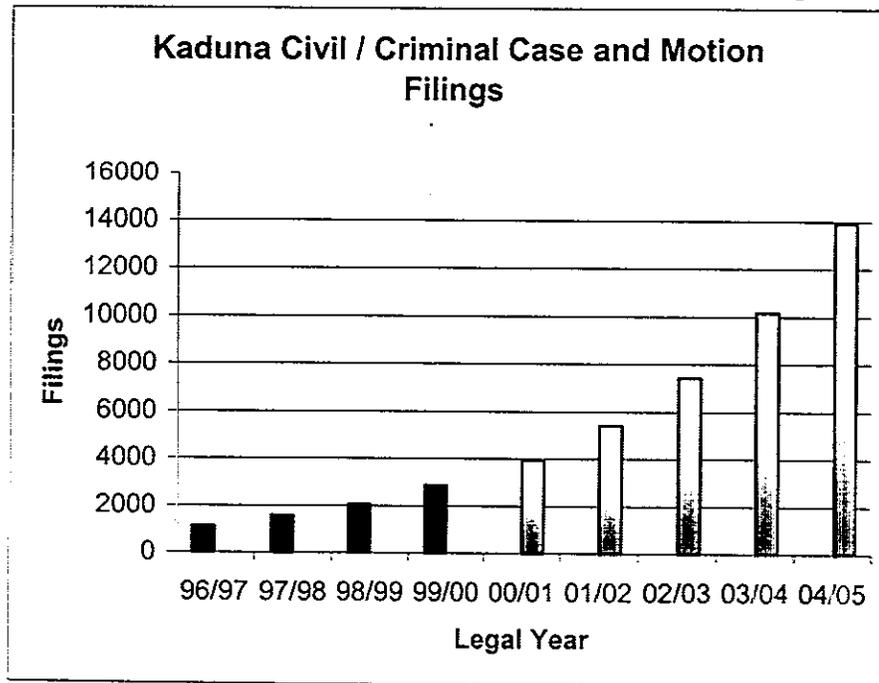


Table 1 shows the actual figures on which Figure 1 is based.

**Table 1-Kaduna High Court Civil/Criminal Case and Motion Filings and Projections**

<b>Legal Year</b>	<b>Actual/Projected Filings</b>
1996-97	1,126
1997-98	1,587
1998-99	2,078
1999-00	2,891
2000-01	3,961
2001-02	5,426
2002-03	7,434
2003-04	10,184
2004-05	13,952

## 2. Case Assignment

Once a new case has been filed and the file has been prepared by the Registrar's Office, it goes to the Chief Judge who reviews and assigns the new case to a judge of the High Court on a rotating basis. Depending on the complexity and visibility level of the case, the Chief Judge gives some consideration to a judge's legal expertise and availability before assignment. Because judges manage their individual calendars by various methods and may have different backlogs, and because the complexity of cases differs, the Chief Judge may assign another judge (out of normal rotation) to hear the case. Once the case is assigned to a courtroom or division, the principal registrar in the division is responsible for filing answers, ensuring service is completed, accepting motions, and setting the case on the judge's calendar. In essence, once a case is assigned in the Kaduna High Court of Justice, it is the judge, the principal registrar, and the rest of the judge's staff who are responsible for getting the case ready to be heard in court and disposed.

## 3. Case Dispositions

Case disposition in a just, effective, and efficient manner is the primary goal of any caseflow management system. A proper system of caseflow management cannot be established by the work of a few judges in a court. It takes the effort and commitment of the entire bench to demonstrate that the court is serious about the timely disposition of cases. Further, it takes the work and commitment of the judges' and Chief Registrar's staff to demonstrate that their primary job duty responsibility is the timely disposition of cases by the court.

Judges working in the Kaduna High Court of Justice hear motions on cases on a regular basis. Depending on the number of pending cases, most judges hear motions on a call over day either weekly or bi-weekly. Cases are disposed by judgment of the court, and non-appearance of attorneys causes many delays. This being the case, the Chief Judge and other judges in the Kaduna High Court of Justice must realize that (a) as urged by the judge, attorneys settle cases, (b) when they are expected by the judge to appear in court prepared, attorneys are more apt to settle cases, and (c) when significant events and reasonable timelines are agreed upon, attorneys will prepare for those significant events.

Figures 2 through 8 show statistics for one court<sup>1</sup> (division) in the Kaduna High Court of Justice. This court, referred to as Kaduna Sample Court, provided a detailed listing of case dispositions by case type for calendar years 1999 and 2000. Figure 2 shows the disposition of 62 civil claims in 1999. The majority (52%) resulted in a judgment entered. The next highest proportion (37%) was struck out<sup>2</sup>. Of the remainder, 8% were dismissed, and only 3% were settled by agreement.

### Figure 2 – 1999 Civil Claims Disposition in Kaduna Sample Court

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<sup>1</sup> To provide anonymity to members of this court division who provided the NCSC project team sampling information, the court is not identified.

<sup>2</sup> Cases "struck out" by the judges are closed and returned to the Registrar's Office. However, either party to the action may return and motion the court to re-open the case without having to open a new case.

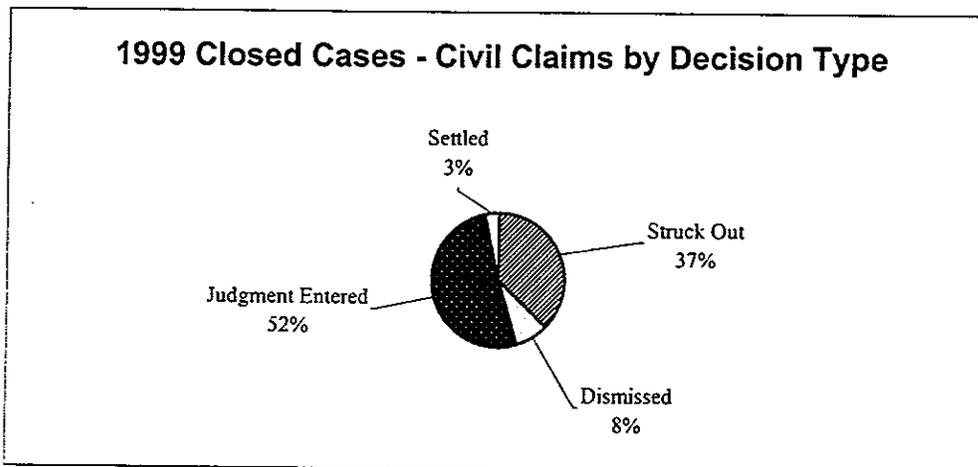


Figure 3 shows the disposition of 49 motions cases in 1999. The largest proportion (42.9%) resulted in bail granted/denied. Equal proportions (24.5%) were dismissed or struck out. Judgment was entered in only 2% of cases, and the remaining 6.1% resulted in other decisions.

**Figure 3 – 1999 Motions Dispositions in Kaduna Sample Court**

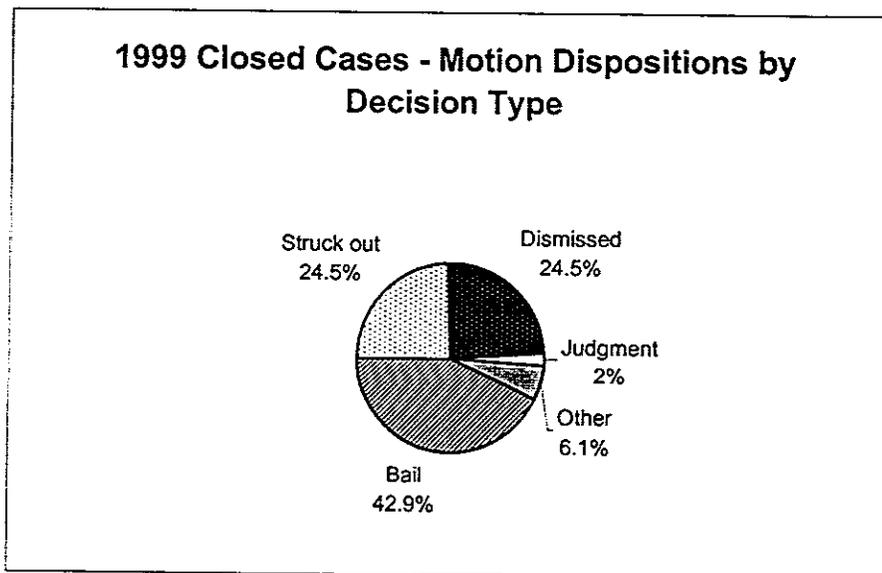
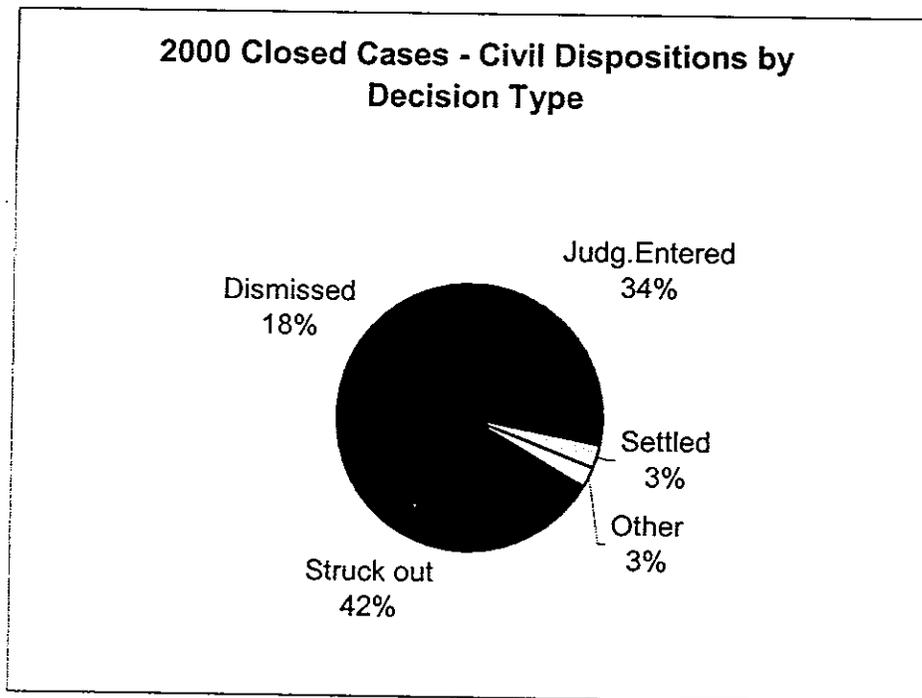


Figure 4 shows the disposition of 38 civil cases for 2000. The pattern differs somewhat from 1999. In 2000, judgment was entered in a smaller proportion of cases (34.21%), and a smaller proportion were settled (2.63%). Larger proportions were struck out (42.11%) and dismissed (18.42%). The remaining 2.63% were transferred. These cases took an average of 44 days from filing to commencement and an average of 466 days from filing to disposition.

**Figure 4 – 2000 Civil Claims Disposition in Kaduna Sample Court**



This court had four divorce cases under the new Marriage Act in 2000. The case dispositions were two dissolved, one dismissed-withdrawn, and one struck out-absent. The court also recorded four criminal case dispositions in 2000, with three of these listed as armed robbery cases and one as homicide.

Figure 5 shows the 40 criminal motions by case type in this court in 2000. Most were armed robbery (80%). Illegal possession of a firearm constituted the next largest proportion (12.5%), followed by criminal conspiracy (5%) and homicide (2.5%). Bail was granted in 57% of these cases, denied in 25%, and not indicated in 18%.

**Figure 5 – 2000 Criminal Motions in Kaduna Sample Court**

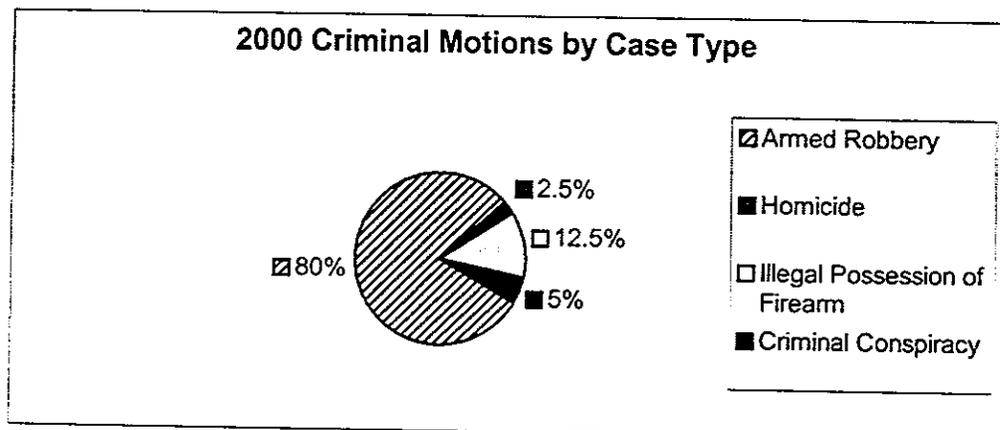


Figure 6 compares filings to dispositions in this court over the past four legal years. Although case dispositions have increased (except in LY 1998/1999), that rate of increase is much slower than the rate of increase in case filings, causing the pending workload to increase significantly. The clearance rate (the number of dispositions divided by the number of filings) dropped from 63% during LY 1996/1997 to 43% during LY 1999/2000.

**Figure 6 – Four-year Filings-Disposition Comparison in Kaduna Sample Court**

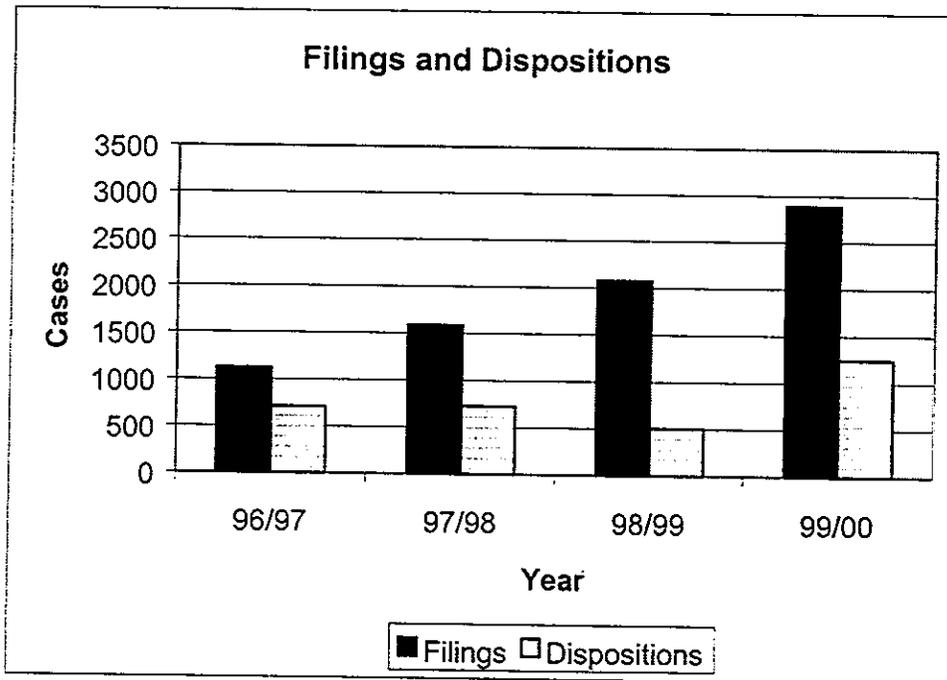
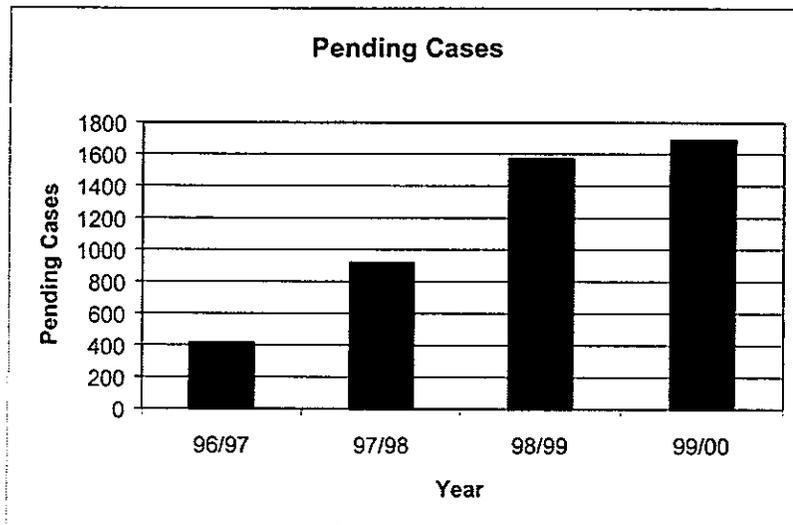


Figure 7 shows pending cases in this court over the same four-year period. Because of declining clearance rates, there are over four times as many pending cases in LY 1999/2000 as there were in LY 1996/1997. At the current rate of growth, the court will have nearly 7,000 pending cases by 2005. Alternative methods of case resolution and disposition may ease some of this burden. See Section E entitled Other Issues below.

**Figure 7 – Pending Cases in Kaduna Sample Court**



## B. Adjournments and Case Disposition Time

To ensure that cases will progress and be properly managed, judges in any court must agree upon, adhere to, and continually articulate a clear adjournment (continuance) policy. If the court has established case processing goals and time standards regarding the age of pending cases, the court can then rely on its adjournment policy to meet those goals. However, even the most effective adjournment policy will not, in and of itself, rule out all continuances. Keeping adjournments to a minimum requires firm adherence to and enforcement of standards, under which adjournments are granted only when good cause is shown and requests for adjournments are in writing<sup>3</sup> and prior approved by the parties.

An adjournment obviously means a delay in a case's conclusion. In the broader context of caseload management, however, a court's adjournment policy and adjournment leniency by judges also affect attorneys' and other case participants' views of the court's commitment to caseload management and timely disposition of cases.<sup>4</sup>

In the Kaduna Sample Court, there were 351 adjournments (continuances provided) in 39 civil cases disposed in 2000. Adjournments per case ranged from 0 – 18, with an average of nine. These cases averaged 44 days from filing to commencement and 466 days from filing to disposition. During the same period, there were 27 adjournments recorded on four criminal cases, with an average of 6.75 per case. These cases averaged 219 days from filing to commencement and 439 days from filing to disposition.

<sup>3</sup> American Bar Association, Standards Relating to Trial Courts, 1992 Edition, Section 2.55.

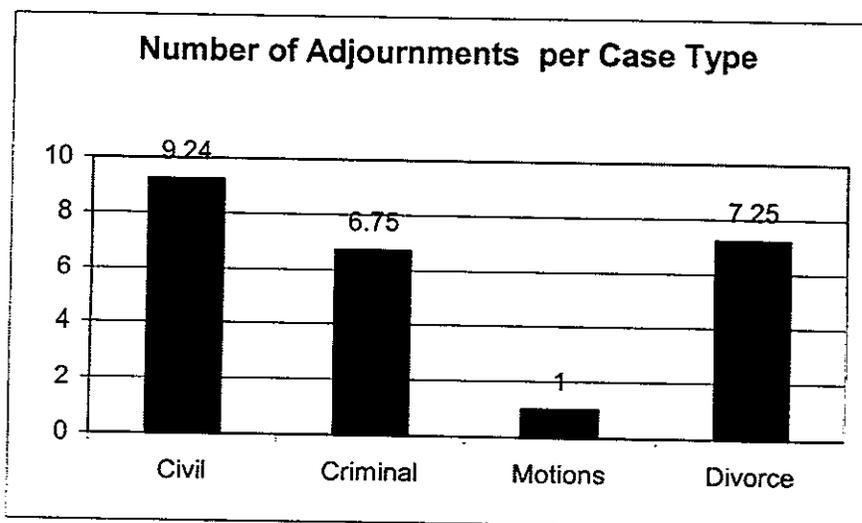
<sup>4</sup> Steelman C. David, et al, *Caseflow Management – The Heart of Court Management in the New Millennium*, National Center for State Courts, 2000, pg 116.

Motions hearings registered just one adjournment per case, allowing these cases to move through the courts very quickly. There were 40 adjournments recorded on 40 motion case dispositions. The number of adjournments per case ranged from 0 –10 with 19 cases (47%) having no adjournments, disposing the case the same day it commenced. Twelve cases (30%) had only one adjournment, six cases (15%) had two adjournments, and only three cases (8%) had more than two adjournments. Motions cases averaged 41 days from date of filing to commencement and 70 days from date of filing to disposition. These averages include only two lengthy cases (one homicide and one case in which the army refused to turn over exhibits). The averages without these two cases are 28 days from filing to commencement and 42 days from filing to disposition.

The four divorce cases that were disposed showed a total of 29 adjournments. These cases averaged 191 days from filing to commencement and 407 days from filing to disposition.

Figure 8 shows the average number of adjournments per case type for case dispositions in 2000. The average is highest for civil cases, followed by divorce, criminal, and miscellaneous motions cases. The high average for civil cases is significant, given that in LY 1999/2000, the new cases filed in the Kaduna High Court of Justice as a whole were almost all civil cases. Clearly, reducing the number of adjournments allowed will expedite cases through the courts.

**Figure 8: Adjournments in 2000 by Case Type in Kaduna Sample Court**



In the opinion of the NCSC project team, adjournments are one of the primary reasons for delay in the disposition of cases in the court. Therefore, as indicated in the recommendations below, proactive, concerted change to reduce adjournments is critical to ensuring the progress of a case from filing to disposition to post judgment activity.

***Recommendation 2:***

**The Chief Judge and other judges of the Kaduna High Court of Justice should develop and enforce a uniform policy on adjournments.**

***Recommendation 3:***

**The judges of the Kaduna High Court of Justice should agree to actively discourage rescheduling of cases. They should promote case preparation before hearing by creating the expectation among parties and advocates that the court will discourage any rescheduling request in all but the most unusual circumstances.**

**1. Relationship between Adjournments and Delay**

Based on interviews with Kaduna High Court of Justice judges, court officials, and representatives from public agencies and the Bar, combined with analysis of selected cases, it is the opinion of the NCSC project team that the growing number of adjournments in the Kaduna High Court of Justice results from two factors. These are the local legal culture and the constraints of the federal and state rules of civil and criminal procedure.

For various reasons, attorneys either do not appear on the day and at the time their case is to be heard, or they appear and request an adjournment. Interviews of attorneys indicate that the local legal culture accepts delays in proceedings as a way of doing business. In other words, some attorneys come to court unprepared and believe that the judge will give them another adjournment without question. This leaves the judges of the Kaduna High Court of Justice in an awkward position, since there are too few and ineffective sanctions to discipline an attorney who doesn't come to court or is not prepared. In terms of procedural constraints, other attorneys will use the law on interlocutory appeals as an adjournment tactic. Overall, adjournments are a major contributor to the delay problem.

***Recommendation 4:***

**The Chief Registrar's staff should count how often, why, and by whom hearings are rescheduled in criminal and civil cases. This information should be used to prepare monthly reports to the Chief Judge that are regularly shared with other judges of the Kaduna High Court of Justice.**

**C. Strategies for Reducing Delays in Caseflow**

There are many strategies used by court systems to reduce delays in caseflow. Some courts use strict timelines and differentiated case management techniques (see Section E below). To limit the unnecessary adjournments described in B above, some courts use local rules to require attorneys to come at the exact time and on the date a case is set, while other courts use sanctions and discipline committees to make attorneys follow court rules or established practice standards. Whatever methods are chosen, the Kaduna High Court of Justice must reduce the delay judges are experiencing. Otherwise, the backlog of cases will eventually create such unbearable delay for all parties concerned that the legal system will become ineffectual.

***Recommendation 5:***

**The Kaduna High Court of Justice should designate an Assistant Registrar to more closely supervise delays and improve the service of process and delays in the forwarding of case records on appeal from appellate, area, and magistrate courts. This individual should report monthly to the Chief Judge and the Chief Registrar on his or her performance in reducing delays at these stages of the case process.**

***Recommendation 6:***

**The Kaduna High Court of Justice should establish reasonable standards for the prompt disposition of its criminal and civil cases.**

***Recommendation 7:***

**The Kaduna High Court of Justice should adopt policies and practices permitting its judges to make more efficient use of their time each workweek. Judges should take the bench as early as possible in the morning and hear cases as late as possible in the afternoon as their case research requirements and other judicial responsibilities permit.**

***Recommendation 8:***

**The Kaduna High Court of Justice should reduce the size and age of the pending civil and criminal case inventory by at least 20 percent higher than the total number of newly filed cases each year.**

***Recommendation 9:***

**The Kaduna High Court of Justice should establish a goal to reduce the inventory of pending cases to no more than the number of cases that can be disposed within the prompt case disposition standards that the court has established.**

***Recommendation 10:***

**In counting and reporting its caseload, the Kaduna High Court of Justice should reflect statistics on a calendar year. The court should distinguish new filings from pending cases held over from prior years. The quarterly and annual reports of the Kaduna High Court of Justice should show dispositions as a percentage of new filings, and not as a percentage of all cases pending and filed each year.**

***Recommendation 11:***

**The Kaduna High Court of Justice should define “backlog cases” as those pending beyond time standards, and it should dedicate resources and give special management attention to the disposition of those cases.**

**D. Recordation of Court Proceedings**

Although recordation of court proceedings is fully addressed by another task in NCSC’s contract with USAID, it is important in the context of this report because current recordation practices contribute to delay.

**1. Relationship between Recordation and Delay**

Judges of the Kaduna High Court of Justice manually record notes, write verbatim transcripts, and prepare orders of court. The fact that judges act in the capacity of a recorder, and do so manually, is the main source of delay in the courtroom. By established rules of criminal and civil procedure, they cannot use electronic means to record court proceedings. This leads to delayed proceedings while the judge is writing and has created physical ailments in judges such as carpal tunnel syndrome of the fingers, hands, wrists, arms, and shoulders. Many judges interviewed complained that over the years the physical wear and tear of the job has been greater than any other factor in contributing to their burnout.

Eliminating manual recordation by judges will significantly reduce delay. In many other courts throughout the world, when an interlocutory appeal is filed to the Court of Appeals, the parties and/or their attorneys must pay for an official transcript prepared by an employee of the court. This practice, if adopted by the High Court, may discourage the large number of interlocutory appeals that are requested by lawyers without just cause.

***Recommendation 12:***

**The Kaduna High Court of Justice should make changes in the rules for recordation of court proceedings to allow the use of electronic recordation of events in the courtroom and in the judges’ chambers.**

**E. Other Approaches to Improve Caseflow Management**

There many other methods the Kaduna High Court of Justice can use to control and reduce the pending caseload. Internationally, courts are using differentiated case management, settlement conferences, and alternative dispute resolution to improve caseflow management. This section reviews those approaches and provides the Kaduna High Court of Justice with specific recommendations on how it can use these approaches to improve the timely disposition of cases.

### 1. Differentiated Case Management (DCM)

Experience and common sense reveal that all cases filed in court are not equal. In all case types there are simple cases that can be disposed of quickly, routine cases that should be disposed of within the normal time standards, and complex cases that may take more involvement of the judge and potentially require additional time to reach disposition. Even without a formal DCM program, most experienced judges will naturally stratify their caseloads into simple, routine, and complex groupings.

Developing a DCM program is one way the Kaduna High Court of Justice can control case progress. Usually, the court accepts one case at a time and proceeds on the same timetable for all cases. Further, it maintains cases in date order and fails to realize that all cases do not need the same amount of attention. By treating all cases the same way, some are rushed and other are unnecessarily delayed.

In developing a formal DCM program, a court system needs to develop evaluation criteria, case events, and modified time to disposition standards for each DCM category. A DCM program is a practical approach to managing court cases, opens up channels of communication about expectations between the court and the parties or attorneys, and improves the use of resources—particularly judicial and staff time. The ultimate goal is to reduce costs and delay in litigation and provide litigants with more satisfactory results.

Under a DCM system, the Office of Chief Registrar, with the approval of the Chief Judge, distinguishes at the time of filing the amount of time and attention the case needs from judges and lawyers and the pace that is needed to bring the case to conclusion. The concept of DCM puts cases into different categories or track. The most popular and effective system used by courts is a three-track system:

- **Track 1: Cases that are less complex and need little of the court's attention. Based on the simplicity of issues, these cases should have a higher likelihood of settling.**
- **Track 2: Cases that are of average complexity and have issues requiring conferences with a judge or court hearing but that do not pose great difficulty to get to disposition.**
- **Track 3: Cases that are more complex and call for the extensive involvement of a judge because of their legal complexity, number of attorneys, or public visibility.**

Once a case is assigned to one of these tracks, it is differentiated by the amount of time it is expected to take to dispose of the case from date of assignment to disposition and post judgment activity. With a time standard for each track, the court can take control of the case by setting goals for completion. As an example, as shown in Table 2, DCM time standards for civil cases typically reflect the percentage of cases completed within a recommended set time period:

- **Track 1: When judges are hearing a less complex civil case, 90% of the cases should be disposed of within 3 months, 98% within 6 months, and 100% within 12 months.**
- **Track 2: When judges are hearing an average complex civil case, 90% should be disposed of within 6 months, 98% within 12 months, and 100% within 24 months.**
- **Track 3: When judges are hearing a more complex civil case, 90% should be disposed of within 12 months, 98% within 24 months, and 100% within 48 months.**

**TABLE 2**  
**Civil Case Tracking Matrix**

<b>Track 1</b> <b>Less Complex</b>	<b>90% in 3 mos.</b>	<b>98% in 6 mos.</b>	<b>100% in 12 mos.</b>
<b>Track 2</b> <b>Average Complex</b>	<b>90% in 6 mos.</b>	<b>98% in 12 mos.</b>	<b>100% in 24 mos.</b>
<b>Track 3</b> <b>More Complex</b>	<b>90% in 12 mos.</b>	<b>98% in 24 mos.</b>	<b>100% in 48 mos.</b>

Time standards established by courts for criminal cases are somewhat different. In the U.S., they are set by state and federal law and rules of criminal procedure. Based on the problems the Kaduna High Court of Justice experiences getting criminal cases filed, delays in bringing defendants to court, delay in receiving or loss of evidence, and seriousness of the felony, time standards for criminal cases may be more forgiving. For example, as shown in Table 3, DCM time standards for criminal cases could be as follows:

- **Track 1: When judges are hearing a less complex criminal case, 90% of cases should be disposed of within 3 months, 98% within 6 months, and 100% within 9 months.**
- **Track 2: When judges are hearing an average complex criminal case, 90% should be disposed of within 6 months, 98% within 12 months, and 100% within 18 months.**

- **Track 3:** When judges are hearing a more complex criminal case, 90% should be disposed of within 12 months, 98% within 18 months, and 100% within 24 months.

**TABLE 3**  
**Criminal Case Tracking Matrix**

<b>Track 1</b> Less Complex	90% in 3 mos.	98% in 6 mos.	100% in 9 mos.
<b>Track 2</b> Average Complex	90% in 6 mos.	98% in 12 mos.	100% in 18 mos.
<b>Track 3</b> More Complex	90% in 12 mos.	98% in 18 mos.	100% in 24 mos.

DCM for motions and matters that come before the judge before a trial to court has a particular effect on the time allowed for completion of discovery. For cases assigned to Track 1 described above, little or no discovery is needed. On the other hand, complex cases in Track 3 would require individually tailored timetables for completion of discovery.

Under a DCM system, court monitoring of case progress is continuous. The court also monitors compliance with deadlines set by parties and their attorneys. The level of judges' involvement in any particular case is determined by the case's specific track assignment.

***Recommendation 13:***

**The Kaduna High Court of Justice should adopt differentiated standards as a management tool for the expeditious disposition of cases to assist the court in its efforts to reduce the number of civil and criminal cases.**

**2. Settlement Conferences**

Settlement conferences, a form of alternative dispute resolution (see 3 below), can be an effective means of bringing civil cases to timely dispositions. In settlement conferences, judges or respected members of the Bar who are not assigned to or subjectively involved in a case act as consultants to the parties. Depending on the complexity of the case, they may express an opinion on how much, in their experience, they think the case is worth. Alternatively, they may assist parties to come to terms of a settlement by determining the cost of a case if it continues. Using judges and esteemed members of the Bar to settle cases is a very efficient method for disposing of cases and reducing backlog in a court. In fact, many U.S. courts once or twice a year sponsor what is known as settlement week. During this period, the oldest of civil cases are brought before members of the Supreme Court or esteemed members of the Bar. Parties to the action meet with this “settler” and do their best to resolve part or all of their differences. Such programs have reduced the pending case inventory of the court and have been evaluated as a most effective way of saving the court time and money.

After a review of closed files in the Kaduna sample court, the NCSC project team found that many cases in the Kaduna High Court of Justice that “settled” had a higher number of adjournments than cases that did not settle. However, it is important to note that although having a large number of adjournments may “settle” cases, this does not speak to the time, money, and resources that are expended by the Kaduna High Court of Justice, attorneys, and the parties to bring a civil action to closure.

In order for settlement conferences to be truly successful in the court, the Chief Judge should appoint a fellow judge with the appropriate demeanor to act as a settlement judge. With this new responsibility, this judge must then coordinate the negotiated settlement activities of the court and determine from other judges which cases are ripe for settlement. Of course, any settlement program is only as successful as the support it receives from the bench and members of the Bar.

***Recommendation 14:***

**The Kaduna High Court of Justice should consider appointing a judge to encourage, coordinate, and conduct all negotiated settlement activities of the court.**

***Recommendation 15:***

**Before hearing arguments in civil cases, all judges of the Kaduna High Court of Justice should routinely inquire if attorneys and the parties they represent have considered the possibility of a negotiated settlement. In every such case, the court should encourage negotiated resolution as an alternative to a formal court decision.**

### **3. Alternative Dispute Resolution (ADR)**

Unlike settlement conferences, ADR refers to a variety of means to bring conflicts to conclusion, either as adjuncts or alternatives to traditional court process. In the past 20 years, ADR programs have proliferated in the U.S. ADR processes include mediation, arbitration, early neutral case evaluation, and private dispute resolution. Such programs can be an extension of the services offered by the court, or they can be services that are privately contracted and referred to by the court.

The use of ADR must be consistent with the tenets of caseload management. If used properly, it provides many benefits. Some of those benefits are quality of decision making, reduced cost to parties, faster disposition of the case, better use of the court's resources, improved litigant satisfaction, and increased public trust and confidence. Therefore, whenever the court uses ADR programs, the same case processing time standards must be used, including time allotted between events. ADR programs used by the court must fit into the court's overall plan to reduce the pending caseload and to support the court's control of case progress.

One of the best forms of ADR the Kaduna High Court of Justice can use is mediation. Mediation is the intervention into a dispute or negotiation of an acceptable, impartial, and neutral third party who has no authoritative decision-making power, to assist contending parties to voluntarily reach their own mutually acceptable settlement of issues in dispute.<sup>5</sup>

***Recommendation 16:***

**The Kaduna High Court of Justice should encourage the use of alternative dispute resolution (ADR) programs in magistrate and area courts to promote increased satisfaction with lower court decisions and reduce the number of appeals to the Court of Appeals and to the Supreme Court.**

## **II. COURT STRUCTURE, MANAGEMENT, AND OPERATIONS**

The NCSC team's analysis assesses organizational structure in terms of its relationship to case processing procedures and to the overall operations of the Kaduna High Court of Justice. From this perspective, the key questions include: What elements of the present structure promote or hinder effective case processing and achievement of the court's goals? What modification in the structure or definition of roles could lead to improvements in the court's operations? Are there clear lines of communication? How does information flow in the organization? Is there a need for realignment?

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<sup>5</sup> Mediation manual, CDR and Associates, Boulder, Colorado, USA, 1986.

Court operations in the Kaduna High Court of Justice are complex and over time have evolved into a structure that does not intrinsically support the timely disposition of civil and criminal cases. Based on the NCSC team's review of management practices, it is safe to conclude that some of the basic concepts of court management and the idea of courts as a system are just evolving. This section reviews the court's structure and a variety of management operations, providing recommendations for improvement.

#### **A. Framework for the Review**

In reviewing the operations of the Kaduna High Court of Justice, the NCSC project team was guided, among other factors, by a consideration of the five critical areas of court performance, as enunciated in the national (U.S.) Trial Court Performance Standards.<sup>6</sup> The guidelines embodied in these national standards are intended for judges and managers interested in improving the work of the trial courts. They have proven to be a valuable resource for self-assessment, strategic planning, and self-improvement of trial courts not only in the U.S., but in other countries as well. The five standards are:

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<sup>6</sup> Trial Court Performance Standards (TCPS), were developed in the U.S. by NCSC and the Bureau of Justice Assistance, United States Department of Justice, in 1990.

**Access to Justice  
Expedition and Timeliness  
Equality, Fairness, and Integrity  
Independence and Accountability  
Public Trust and Confidence**

**B. Organizational Structure of the Kaduna High Court of Justice**

The Kaduna High Court of Justice has a compliment of 19 judges. There were three vacancies in January 2001. The staff compliment consists of approximately 82 assigned to judges and 166 in the various sections reporting to the Chief Registrar, for a total of about 248. In addition to the main courthouse in Kaduna, the Kaduna High Court of Justice operates out of two other centers known as judicial divisions: Zaria and Kafanchan. Of the 19 judges, Zaria has three, while Kafanchan has two. Appendix C, the Present Organizational Chart, shows the various departments and reporting relationships.

The Chief Judge is the chief judicial officer for the Kaduna High Court of Justice, which performs as both a trial court of general jurisdiction and the appellate court for the lower courts. As chief judicial officer of the court, the Chief Judge is responsible for the administration of all courts in the state, subject to the direction of the Chief Justice of the Republic. The Chief Judge assigns all new cases filed to the judges who maintain individual calendars for both civil and criminal cases and appeals.

The judges of the Kaduna High Court of Justice are relatively isolated from the administration of the court and focus primarily on managing their individual calendars, scheduling, and hearing the cases assigned to their courts by the Chief Judge. Each judge has a staff of three to seven. Each judge supervises his or her own staff which is made up of a senior registrar, a registrar, a messenger, clerk typists, a secretary, an orderly or security guard, and a cleaner. Judges' participation in the administration of the court is primarily consultative, and they are occasionally involved in a special project. For example, there is a lead judge in charge of the judicial divisions in Zaria and Kafanchan. The lead judge assisted by a senior registrar is responsible for the day-to-day operations of the judicial division. Litigants can file cases directly in these divisions if they reside in the geographical areas specified. The lead judge is appointed by the Chief Judge and serves an indefinite term.

The current table of organization (Appendix C) is a hierarchical model, which places the Chief Judge at the helm of the organization while the Chief Registrar and other judges report directly to her. Five department heads (Finance and Supplies, Area Courts/Inspectorate, Litigation/Probate, Personnel, and Judicial Service Commission) generally referred to as Directors, report directly to the Chief Registrar. While not departments, other units such as Internal Audits, Law Library, and Protocol also report directly to the Chief Registrar or designee.

While there is a general understanding of what the various managers and court staff should do, the existence of a coherent document listing roles and responsibilities is unclear. Lack of job descriptions leads to some confusion on the part of managers and court staff regarding their job responsibilities, but they still perform a wide range of administrative functions. However, without job descriptions, it is difficult to set forth clear expectations and conduct meaningful employee performance assessments.

Nevertheless, the current table of organization indicates some of the key responsibilities of the departments and their staff. For example, the Director of Personnel coordinates defined functions of the personnel department, such as manpower development, employee discipline, training, employee relations, and welfare and benefits administration. Strikingly, it is also the Director of Personnel and his department who are responsible for control of registrars, clerical staff, security guards, cleaners, drivers, and other support staff. Other duties of the Personnel Director include maintenance of equipment, maintenance and upkeep of buildings and surroundings of all courts and offices, vehicular fleet management, and maintenance of the generating plant of the complex. Thus, the Personnel Department has duties and responsibilities associated with general operations, interspersed up with human resource management functions. The Deputy Chief Registrar, on the other hand, heads the Litigation Department, which includes probate matters, appeals, and the bailiffs.

With human resource functions distributed among these two departments, it is unclear whether either department performs the full range of these functions adequately. Dispersed as they are now, these functions were less visible, and there is less accountability for their performance. This suggests a need for departmental reorganization. In this case, questions that need to be addressed before reorganization include: Is there a legitimate business reason for placing several general operations duties, including key courtroom support functions, under the Director of Personnel? Why are the registrars not in a dual reporting relationship with their respective judges and the Director of Litigation, with whom there is a nexus?

The following recommendation reflects the need to make coherent a number of functions previously distributed among many offices and departments of the Kaduna High Court of Justice. An effective and efficient organizational structure will not only support good communication but also improve case management. A streamlined structure will allow for the creation of a strong court-wide management team comprised of the Chief Judge, a number of lead judges, the Chief Registrar, and the department heads.

***Recommendation 17:***

**To improve the overall operations of the Kaduna High Court of Justice, the court should consider restructuring the departments so that similar functions are grouped together under single departments. Appendix B contains a recommended organizational structure for the court's consideration.**

**C. Human Resources and Personnel Management**

This section addresses three issues associated with human resources and personnel management in the Kaduna High Court of Justice: (1) the total number of court personnel and their distribution among personnel categories; (2) the need for consolidated management of personnel functions, supported by documentation; and (3) personnel record-keeping.

**1. Overall Staff Size and Functional Distribution**

Based on the team's interviews of a number of judges and front line staff, one could conclude that a major part of what is needed to improve the work of the Kaduna High Court of Justice is the additional of personnel. However, the team's viewpoint is quite different. The team believes that the court currently has sufficient total numbers of human resources to make significant improvements in both the quality and quantity of work the court performs. The real problem is that an analysis of the current workforce as shown in the 2000 budget submission reveals an inverse relationship between the category of positions the court has and its actual manpower needs. For example, while there is an ample number of cleaners and security guards on the payroll, the judges have no law clerks or interns assigned to them. Nearly all judges consulted during this study cited problems resulting from the lack of legal research assistance, combined with generally inadequate resources and facilities for legal research.

***Recommendation 18:***

**The Kaduna High Court of Justice should employ Law Interns or Law Clerks (usually recent law school graduates employed for a term of one year) to assist each judge of the Kaduna High Court of Justice with legal research and memoranda.**

(This recommendation could be accomplished through the attrition of redundant and duplicative positions currently assigned to individual judges. If funding were available, newly funded law intern/clerk positions could be established at once or phased in over time.)

**2. Consolidating and Documenting Personnel Management Functions**

Appendix B, Recommended Organizational Structure, shows a separate Human Resources Department responsible for all personnel functions, such as recruitment, testing, selection, classification and compensation, pension administration, salary/wage

and benefit administration, staff development and training, performance assessment and management, discipline and grievance procedures, termination, personnel records (open and secret files), and employee/labor relations. Placing all of these functions under one department should make it easier and much more efficient to plan and direct human resource programs and initiatives. Establishing such a department also underscores the fact that court employees constitute the single most important resource that the court has.

***Recommendation 19:***

**The Kaduna High Court of Justice should create a separate Human Resources Department with a qualified human resources professional as the director who oversees all personnel functions.**

There is also a need for two sets of critical documents. The first is a personnel policy and procedures manual for judges and court employees. Such a manual will help make policies comprehensible so that employees readily understand them. It will also benefit managers and supervisors, providing them with written limits that define the boundaries of their discretion. Overall, it will help to improve clarity of communication in managing the courts, enhance training of court employees, document fair employment practices, and save supervisory and management time.

***Recommendation 20:***

**The Kaduna High Court of Justice should develop a new personnel policy and procedures manual for judges and employees.**

The second set of documents comprises job descriptions. When properly written, these set out clear and succinct expectations for employee performance. Individual goals and objectives derived from these expectations will contribute enormously to the development of an employee performance appraisal system.

***Recommendation 21:***

**The Kaduna High Court of Justice should develop clear and concise job descriptions and specifications for every position title in the organization.**

***Recommendation 22:***

**The Kaduna High Court of Justice should develop an employee performance appraisal system in order to continuously assess staff work performance as well as enhance career progression.**

In addition, there is a need to document provisions for the education and training of judges and staff, and to structure and manage the program. As stated in the NIALS report (page 64), the majority of judges did not feel that they had adequate training for their post, and they said they had not benefited from continuing judicial education for the past five years. Court administrators were split on the question of the adequacy of training, but the majority reported no on-the-job training in the past five years.

***Recommendation 23:***

**The Kaduna High Court of Justice should develop an education and training program for judges and staff, managed by a qualified training specialist.**

### **3. Personnel Record-keeping**

This report does not elaborate on all personnel functions, but the issue of personnel records merits special attention. The need for maintaining good personnel records arises from three sources: (1) government requirements set by federal and state laws, rules, and regulations; (2) the need to retain documentation in individual files to support numerous personnel transactions that affect employees; and (3) administrative requirements that allow for the evaluation of the personnel management function. One of the conspicuous duties the team noticed was the responsibility over *secret files*, which turned out to be an element of the personnel records. Yet, neither secret nor regular files are properly managed or maintained.

There are at least five key policy issues regarding a court personnel records system:

1. Whose records and what records are kept for job applicants and court employees?
2. How long must information be kept on file, and in what form must records be kept?
3. Among the judges, court managers, and supervisors, who has access to personnel and job-related employee information?
4. Do court employees have access to their own personnel files?
5. What personnel information should be disclosed about a present or former employee at the request of persons outside the court?

The court needs to consider these issues in implementing the following recommendation.

***Recommendation 24:***

**The Kaduna High Court of Justice should implement a centrally managed personnel records system. The secret and regular files should be properly managed and maintained by the Human Resources Director. Current bifurcation of these files is unnecessary.**

### **D. Management Services**

Effective management services will support and improve the day-to-day operation of the court. Appendix \_\_, the proposed organization structure, shows a new Department of Management Services that includes such functions as finance, budgeting, accounts, purchasing, facilities management, maintenance, and transportation management. This new department should also be responsible for budget planning, preparation, and implementation. It should handle purchasing and procurement, revenue collection, and deposits. The audit and control unit should perform all financial audits and internal controls, including the review of payroll worksheets and receiving reports that result from purchasing and procurement. In the NCSC team's view, this time-tested approach has enough built-in checks and balances to prevent fraud and defalcation. As envisioned, the Department of Management Services will also be responsible for facilities planning and management. Facilities management includes such functions as basic cleaning, repairs and maintenance (building and furniture), signage, and the provision for janitorial and housekeeping supplies.

#### **E. Case Management**

By improving case management, the court will improve the timely disposition of cases and enhance services to lawyers and litigants. Case management has both structural and procedural aspects. This section discusses structural factors. Section H discusses procedural factors.

From the structural standpoint, the court should consider bringing probate and litigation personnel into one case management department. The range of functions envisioned for this department includes general intake services for the entire spectrum of cases that come before the Kaduna High Court of Justice, including appeals, the processing of these cases, preparing and maintaining statistical reports, records and filing management for all cases (active and pending), and the provision of courtroom support services, such as overseeing the recordation of court proceedings, proceedings transcript management, and interpreting for linguistic minorities. Inadequate interpreting service is one of the primary causes of delay. As the NCSC team discovered, there are only a few staff court interpreters for the entire court. Consequently, scheduling of trials is often delayed to ensure availability of an interpreter.

#### **F. Information Technology**

The quality of decisions depends heavily on the quality of management information. In the view of the NCSC team, conspicuously absent from the management structure is an information system that can provide the statistics and other information necessary for court management decision-making. The lack of such a system also made the NCSC team's data gathering very difficult.

There is a critical need to establish an Information Technology Department, not only to improve records management and retention, but also to expedite the processing of and access to case related data in the court. Consolidating similar technology duties and responsibilities under one department will improve the efficiency and overall effectiveness of the court. The department director should be responsible for planning and developing an information technology infrastructure necessary to support the work of today's modern court. Although this recommendation may seem somewhat ambitious for the Kaduna High Court of Justice, without the gradual introduction of modern technological applications, the court's operation will continue to be costly, inefficient, and ineffective. Interviews with members of the Bar and others indicate that these sophisticated users of today's courts expect the courts to use modern methods. They expect the same speed and reliability of service as in banking and other sectors.

### **G. Facilities Planning and Management**

The Kaduna High Court of Justice has three main complexes, the conditions of which vary greatly. At the court's headquarters in Kaduna, there is a large courthouse and an annex, which is a relatively new building. The buildings are not devoted exclusively to the Kaduna High Court of Justice operations, since the Shari'a Court occupies a portion of the courthouse.

The court's buildings are not properly maintained. Space allocation and floor plans for various offices are not consistent with the workload and workflow needs of the assigned personnel. The Office of the Registrar, which serves as the central intake area for cases being filed as well as for the many services the Chief Registrar must render in accordance with statute, is often overcrowded. It lacks sufficient seating for the volume of citizens it serves. In short, the main courthouse in Kaduna looks beautiful when seen from the front elevation and surrounding landscape. However, the facilities are substandard and inadequate given the volume of work, number of judges, and number of people that come there on a daily basis. The basic cleaning and upkeep of the courthouse need improvement. Another facility-related issue is the lack of office and directional signage in the courts. It was difficult for the NCSC team to understand how the court users found the offices and other locations.

It is not clear whether the planning, design, and construction of these buildings enjoyed the full participation of the judiciary. Such input is absolutely necessary to ensure that the present as well as future needs of the system are taken into consideration. This is usually accomplished by conducting a workflow analysis. Properly done, such an analysis identifies all of the steps or events involved in processing a case or delivering services to the public. It answers questions such as: Does the current process work efficiently and effectively? Does the court need a process-re-engineering? Can the court eliminate or combine some of the steps? Does the building design sufficiently address the circulation patterns for judges, the public, and prisoners? Taking all of these questions into consideration, the design of court facilities and allocation of office space and/or work areas should put functions before form.

A court facility designed, built, and managed with all of these questions in mind will go a long way in meeting the goal of improving access to justice and promoting expedition and timeliness of case processing. In addition to court programs and procedures, the physical infrastructure of a courthouse should promote efficiency, accessibility, convenience, and safety. Also, the aesthetics and decorum of the courtroom should project a positive image of the court, while enhancing public trust and confidence in the judicial system.

***Recommendation 25:***

**The Chief Judge should create a Judicial Facilities Committee. Members of the committee should include the Chief Judge, the Chief Registrar, representatives of the Bar, representatives of the Attorney General, and a representative of the Governor's Office. Other persons should participate as needed. The committee should meet on a regular basis (monthly) to discuss all issues relating to the maintenance and upkeep of court facilities and the long-desired acquisition of a new power generation plant.**

***Recommendation 26:***

**The Kaduna High Court of Justice should establish a manager-level position entrusted with the responsibility for overseeing all court facilities, security, maintenance, and cleaning. This individual should report directly to the Director of Management Services and should attend the monthly facilities meeting.**

***Recommendation 27:***

**To improve the atmosphere for employees and members of the public, the Kaduna High Court of Justice should attend to basic cleaning and simple maintenance matters such as changing light bulbs, replacing broken windows, and repairing air conditioning units.**

***Recommendation 28:***

**As a basic customer service, the Kaduna High Court of Justice should review and improve the signage throughout the court's buildings to enable citizens to locate the offices and other facilities more easily.**

***Recommendation 29:***

**The Kaduna High Court of Justice should remodel the Office of the Registrar to enhance public access and increase seating capacity for litigants.**

## **H. Case Processing and Records Management**

In a democracy, courts strive for the lofty goals of justice, fairness, and equality, but the tangible product of the court system and the judicial process is the records of proceedings, decisions, orders, and judgments. Court records include indices, dockets,

registers of court actions, and case files maintained for the purposes of inquiry into the existence, nature, and history of disputes, and other matters resolved in courts. Therefore, a good record keeping system is in fact at the heart of a court's credibility and integrity. A court must have the ability to find and produce case files, which contain all of the relevant information from prior proceedings in a timely manner, and know the status of all pending cases. This section addresses operational procedures for case processing and records management. Section I addresses physical aspects of records management.

## 1. Work Flow

There is a critical need to examine the flow of work in the Kaduna High Court of Justice, from the time a case is filed to when it is assigned to a judge for case management and adjudication, in order to determine where there is redundancy and unnecessary waste in the process. Using the civil case as an example, a typical matter is initiated in the process unit by the filing of a writ of summons and statement of claims. When this process is completed, the individual is sent off to the cashier's unit for assessment and payment of fees. At the end of this process, files are complete and the cases are readied before they are sent to the Chief Judge for assignment. The Chief Judge then assigns the case to an individual judge. After this, the file is returned to the litigation department for dispatch to the appropriate judge and courtroom. It is here that personal service is effected on opposing party. The defendant enters pleadings and/or memorandum of appearance, dealing directly with senior registrar of the judge assigned to the case. Attorneys and litigants are not routinely notified of judge assignments and must come to the courthouse to obtain information on their case.

### *Recommendation 30:*

**To improve case processing and record keeping, the court should consider not assigning cases to individual judges until service of process is effected and pleadings and/or appearance are entered.**

## 2. Case Processing Procedures

Every step in case processing results in a record keeping activity. These steps include creating a record or file, maintaining (updating, retrieving, or reviewing) a record, or disposing of a record. These record keeping activities occur through the four phases in the life cycle of a court case. Organizing case processing procedure and caseflow management around the four phases builds case efficiency and rationality into the system. If the Kaduna High Court of Justice chooses to move to automation, carefully defining and documenting case processing procedures now will simplify the systems analysis, which must precede this move.

The four case processing phases are:

**Phase 1. Case initiation**

**Phase 2. Maintenance of active cases**

**Phase 3. Case disposition and closing**  
**Phase 4. Post-adjudication activities**

The following describes each phase of the case processing procedure, records keeping and records management considerations, and the implications for the Kaduna High Court of Justice.

**Phase 1: Case Initiation**

Case initiation procedures define the steps necessary to open a court case, create the records to support the case, and establish control over the case so that it can be properly tracked and managed. Upon receipt by the court, a complaint must first be subjected to a review process, including a quality review to ensure that it meets the requirements of the rules, is properly signed, and is filed in the correct court. A similar procedure already exists in the Kaduna High Court of Justice. Traditionally, the litigation department performs this review. Rejected cases should be returned to the filing party with a clear explanation so possible actions can be taken to redeem the case. A form letter is often used for this purpose. Once accepted, the matter is assigned a case number, the index card is prepared, and the docket sheet (also called a case action summary or register of actions) is initiated. The complaint and all subsequent documents should be stamped with the date of receipt. Often, the filing party submits copies in addition to the original. They may be used for the filer's records or for service to the defendant. The copies should be authenticated as true copies of the original and also stamped as to the date received.

**(1) Establishing a case numbering system**

The court case number gives each case a unique identifier and indicates where a case is filed relative to other files in the series. For instance, if there are 1,000 civil cases filed annually in a given court, the case numbered 500 was probably filed about midyear and those in the high 900s towards the end of the year. The Kaduna High Court of Justice presently divides the caseload into Civil, Criminal, Appeal, and Probate. A case number properly affixed to files will assist the Kaduna High Court of Justice to identify and locate criminal and civil files. In order to improve case processing and access to files, the NCSC team recommends that the case number be constructed with four elements as described below.

***Recommendation 31:***

**The Kaduna High Court of Justice should consider implementing a case numbering system to facilitate ease of reference and letter file management. The numbering system should contain the elements that identify the court, case type, sequential case number, and year.**

**(2) Constructing the Case Number**

Table 4 illustrates the recommended construction of a case number for the 324<sup>th</sup> civil case filed in Kaduna in 2001. The case number would be written **K-CV-324-01**.

**Table 4 – Constructing the Case Number**

[Court]	K =	for cases filed in High Court of Kaduna
	C =	for cases filed in Kafanchan
	Z =	for cases filed in Zaria
[Case type]	CV =	civil case
[Sequence]	324 =	324th case filed this year
[Year]	01 =	year the case was filed

Suitable codes should be developed for criminal (such as CR) and family (such as FM) cases. Other breakdowns of specific subject matters, in each case type, would also be appropriate, such as MR for marriage and PR for probate. These should be broad categories and not a listing of individual crimes.

By using this system, the case number itself conveys a considerable amount of management information. In manually assigning case numbers, use of a case number assignment log ensures that a number is used only once and that no numbers in the sequence are skipped. In an automated system, the computer normally assigns the case number when a new case is established. An alternative for assigning case numbers is to use pre-numbered case file folders.

The case number should be made known to all case parties at the time of filing or by some other means, such as a postcard, as soon as possible. In future dealings on the case, the court should encourage the parties to use the case number to avoid the need for searching the alphabetic index (see index cards in [4] below) to locate the case.

### **(3) File Stamping Documents**

When the litigation department accepts and file stamps documents, a significant event has occurred. This act represents official acceptance of the matter by the court and, in the case of criminal complaints, commencement of the action.

Suggested guidelines for quality control are as follows:

- Before file stamping, ensure the document is complete and signed or notarized if applicable.
- Ensure that appropriate fees have been paid prior to file stamping.
- File stamp only the first page of each document in a consistent location and in a clear area.

- Do not file stamp any documents that do not require it, such as duplicates, exhibits, envelopes, and notes.

***Recommendation 32:***

**The Kaduna High Court of Justice should document and consistently follow the file stamping procedure.**

**(4) Preparing Index, Case Action Summary, and Calendar Cards**

In order to improve the tracking and processing of cases in the Kaduna High Court of Justice, employees in the Office of the Registrar must make better use of index, case action summary, and calendar cards. These are designed in packets of pressure-sensitive, multi-part forms, allowing the information on the index card area to be typed only once. An alternative is to use properly aligned and patterned carbon paper.

In civil matters there are normally two index cards, one for the first named plaintiff and one for the first named defendant. In multi-party cases, additional cards can be prepared as an option. The plaintiff and defendant index cards can be maintained in separate files or integrated into a single index card file. When combined, they are usually printed on different colors of card stock. An index card system, as opposed to index books, is the only way to maintain a true alphabetical system in a manual setting. A computerized index is the ultimate answer. Once widespread automation is a reality in Kaduna High Court of Justice, the index cards can provide the data for loading into the system.

The case action summary improves the tracking of actions in a case. It is designed to be maintained in case number order in either an open-top bin or a three-ring binder. Appendix D contains a sample Case Action Summary card.

***Recommendation 33:***

**The Kaduna High Court of Justice should prepare a case action summary after case filing, and update it as the case progresses through the court process. The court should also consider any changes in procedures required to implement these tools.**

***Recommendation 34:***

**All case documents should flow through the Litigation Department for file stamping and annotation on the case action summary prior to going to the judge for inclusion in the case file.**

This system would require working out intricate details of coordination, but feasible procedures can be developed. For instance, the scheduling and results of hearings should be noted on the Case Action Summary. One question is how this information would be transmitted to the Litigation Department. Normally, the mechanism would be a document created at the time of the action in court or in chambers.

The calendar card is key to effective active case management. The Kaduna High Court of Justice has a strong tradition of individual calendaring wherein all cases are assigned to a specific judge. The judge maintains the case jacket and receives all subsequent documents in chambers during the active life of the case. There is nothing wrong with an individual calendaring system as long as it brings along strong judicial control over the cases. In such a system, the judge and his or her staff would maintain the calendar cards and actively manage all assigned cases. Calendar cards need to be maintained in a file by the next action date.

Good caseflow management procedures in many courts require every case file to indicate the next action or review date. This concept recognizes that the next action in a case is not always a hearing or trial. It may be the date the answer from the defendant is due or some other event. While the case may be in a state of limbo, waiting for something to occur, such as settlement negotiation, the court must still be proactive in ensuring that cases progress and are not forgotten. A review date is therefore assigned 30, 45, or 60 days in the future depending on the nature of the event or case type. On that date the matter is checked into and either a hearing date is set, a new review date is established, or the case is dismissed for lack of prosecution.

#### **(5) Case File Folders**

Appropriate file folders facilitate the security, organization, and retrieval of file information. The folder recommended below makes it easier to review documents and increases efficiency in removing documents for photocopying and then replacing them in the file. It also facilitates other file management tasks such as filing subsequent documents created during the post-adjudication phase of the case.

##### ***Recommendation 35:***

**The Kaduna High Court of Justice should explore the use of a standard file folder with a two-pronged file fastener.**

#### **Phase 2: Maintenance of Active Cases**

There is no clear division as to when Phase 1 (Case Initiation) ends and Phase 2 begins, since the initial records and case maintenance/monitoring tasks are established early in the life of a court case. In the individual calendaring system, each judge is responsible for his or her caseload and can influence the pace of litigation in individual cases.

##### ***Recommendation 36:***

**The Chief Registrar should meet with each judge and his or her staff in the Kaduna High Court of Justice to review and improve case screening, processing, and management.**

#### **(1) Monitoring**

To improve timely case disposition, case monitoring of case progress and events must regularly occur. The case monitoring events vary depending on the nature of the case. In civil cases, for example, the defendant has the right to file an answer to the complaint, and civil defendants often include counterclaims. A case is not considered progressing until the answer is filed. If the defendant refuses to answer and it can be proven that proper service was made, the plaintiff can normally move for a default judgment.

Following all hearing, trial, and other case events, the office of the Director of Litigation should be notified so that an entry can be made on the Case Action Summary. Developing and maintaining such a system will enable the establishment of a true chronological case history. It will also enable a determination of the status of every case at all times. The orders and other documents that result from court hearings need to be completed, signed if applicable, and annotated on the Case Action Summary. The calendar card is retired when cases are disposed and updated with the court proceeding or review indicated and next action date if not disposed. The calendar card is then filed under the next action date. This process is repeated until the case is disposed.

***Recommendation 37:***

**The Kaduna High Court of Justice should define a case monitoring and control system based on the use of the calendar card.**

**(2) Developing the Calendar**

The calendar is developed from two sources of information, the judge's diary and the calendar cards. On days when court should be in session, a calendar needs to be developed for use by the judge and the court staff. The calendar needs to list court events that will occur in open court and should also be posted in a public area of the court facility. Since the public is admitted to most court hearings, this mechanism enhances good public relations and open communication. Appendix E contains a sample Calendar Worksheet.

The calendars are initiated up to two weeks in advance. After review of judicial diary entries and calendar cards, the judge pencils in the calendar, since things might change prior to the court dates. Calendars should be finalized two to three days in advance. If there are changes after the calendar is posted, they should be written in on the copy posted for public display as well as the chambers copies.

**Phase 3: Case Disposition and Closing**

Court cases are disposed in various ways including rendering of a judgment, sentencing in criminal cases, or dismissal. It must be clear in the records and to all parties that the case is disposed and what constitutes disposition. In the Kaduna High Court of Justice, there are guidelines for the events that must occur at case disposition including preparation of the orders and arrangement of the documents in the case file. Once the file is turned back to the Litigation Department, that office also has certain routines to follow. At present, the file is sometimes reviewed for updating, since not all files are routinely reviewed by the Litigation Department. If the court adopts the recommendation for the use of a Case Action Summary, this procedure should be modified since most of the entries will have already been made on the form.

Following these closing procedures, the Litigation Department is responsible for safe keeping of the files and making them available for review by the public or interested government agencies. Safe keeping of the files also facilitates post adjudication actions including appeals and execution of judgments.

***Recommendation 38:***

**The Kaduna High Court of Justice should develop and document modified case closing procedures based on the use of case action summaries that are updated as documents are received and events occur during the life of the case.**

**Phase 4: Post Adjudication Activity**

The event of a court case closing is often not the last. Disputes are not fully resolved until the post disposition matters are satisfied. There are many post disposition events that can occur. These vary among the different case types. Possible post disposition events include:

- Execute the case disposition order
  - Criminal:* Process sentencing documents  
Post conviction relief (reconsideration of the sentence)
  - Civil:* Process judgment  
Process satisfaction of judgment  
Facilitate execution of judgment
  - Family:* Process documents and distribute to parties and or agencies involved in the matter
- Process appeals
- Process motions to reactivate case (return to Phase 2)
- Return or destroy exhibits which the court may have retained
- Receive and process payments (fines, court costs, and restitution)
- Transfer file to local court archives regularly

In order to be truly responsive to the citizens and agencies that rely on the court, the court must have the mechanisms to manage and carry out all of these post disposition matters.

### **I. Physical Records Management Procedures**

One of the salient features of a well-designed courthouse is its the space available for records management, both active and archival. Currently, there is not enough space to store records in the Kaduna High Court of Justice.

Court records can affect the rights and duties of individuals and organizations for generations to come. Therefore, their appropriate protection and preservation is vital. Inaccuracy, obscurity, loss of court records, or untimely availability seriously compromise the court's integrity and subvert the judicial process.<sup>7</sup>

#### ***Recommendation 39:***

**The Kaduna High Court of Justice should implement a full range of modern records management practices. This includes reorganizing existing file storage areas, developing new case jackets, using open shelving and file cabinets to store and preserve records with legal and historic value, and discarding those records which lose their value over time.**

The absence of an emergency management and disaster recovery plan is a serious shortfall that undermines the integrity of the courts. Fire, flood, and vandalism as a result of civil unrest have caused the loss of thousands of court records in various parts of the country. In the Kaduna High Court of Justice, records have been severely damaged, and some have been lost due to neglect, lack of preservation, and poor management.

#### ***Recommendation 40:***

**The Kaduna High Court of Justice should develop and implement a plan for emergency management and disaster recovery.**

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<sup>7</sup>Trial Court Performance Standards, Standard 3.6.

### III. COURT POLICIES AND RULES OF PROCEDURE

Although they have served the Kaduna High Court of Justice well for many years, the federal and state rules of civil procedures and some court policies hinder the timely disposition of cases in the court. This is due not only to the increased number of case filings, but also to the growing backlog of cases in the court. Simply stated, in order to expedite the timely disposition of cases in the Kaduna High Court of Justice, certain rules of procedure need to be revised and updated. To accomplish this, the court should form a Rules Revision Committee and give the committee the charge to review and propose rule revision for both civil and criminal case processing.

#### A. Relationship between Policies/Procedures and Court Delay

Since the rules of civil and criminal procedure contribute to the delay in the Kaduna High Court of Justice, the Chief Judge must make a concerted effort to change those rules that slow the court or impede effective and efficient caseflow to disposition. Rule changes such as prohibiting the use of documents at trial that are not filed at pre-trial, defining who can effect service, redefining information required in pleadings, amending pleadings only once before trial, setting new time limits on summons, increasing the powers of the Office of the Registrar, limiting interlocutory appeals, limiting adjournments to two requests, specifying and enforcing time limits on oral arguments to 20 minutes, and controlling ex-parte contact are significant improvements the Kaduna High Court of Justice must adopt.

#### B. Revising Policies and Procedures

The Kaduna High Court of Justice must continue to review and revise its policies and procedures regarding civil and criminal cases.

In the Lagos High Court of Justice, with the assistance of the Nigerian Institute for Advanced Legal Studies, amendments and revisions have been proposed to the civil procedure rules, and are expected to significantly contribute to reducing the backlog of cases the court is experiencing. The amendments and revisions are listed in the section on Lagos.

#### *Recommendation 41:*

**The Kaduna High Court of Justice should review and revise its rules of civil and criminal procedure.**

#### C. Need for Support

In order to make these important changes, the Chief Judge of the Kaduna High Court of Justice must actively involve other judges, high-ranking members of the Bar, prosecutors, police, corrections officials, and others involved in improving the judiciary. Without their involvement and support, revisions to the Kaduna High Court of Justice rules of civil and criminal procedures will not occur. It is especially important to involve the Attorney General and members of the Bar in procedural changes. These professionals know the problems the court faces in reducing delay and expediting caseload. They are also most familiar with the many barriers the court faces when it tries to implement change. With the involvement of the Bar, Bar leadership can help the court train attorneys to better understand the benefits of the rules revisions and the need to improve caseload.

#### **IV. OTHER ISSUES**

There are many other issues facing the Kaduna High Court of Justice besides improving caseload, calendar management, and other operations. For continuous improvement of a justice system, the leadership of any court, starting with the Chief Judge, must be involved in a proactive strategic planning process. This requires looking at the workflow and developing and participating in process re-engineering, planning for technology, and involving the members of the Bar association, forming a partnership with them to help improve the entire system of justice. The Kaduna High Court of Justice would benefit from initiatives for improvement in the following areas.

##### **A. Strategic Planning for the Court**

Strategic planning is essential to making the changes that are needed and developing the steps required to improve the timely disposition of cases in the court. Therefore, the court must begin a planning process that will re-define the court's mission, vision, goals, and objectives. In order to accomplish this, the Chief Judge must assume a strong leadership role. All judges and a representative group of court officials in the Kaduna High Court of Justice must be invited to participate. Once the leadership of the court has convened, they should hold a session to determine the problems that affect the court system. The next step is to categorize and prioritize problems. With this information at hand, the Chief Judge should form and chair a new Strategic Planning Council and involve the group in formulating a strategic plan that will guide the court over the next several years.

##### ***Recommendation 42:***

**The Chief Judge and other judges should undertake planning exercises to identify problems and to set forth the mission, vision, goals, and objectives of the Kaduna High Court of Justice, as well as to implement the recommendations in this report.**

##### **B. Process Re-engineering**

Process re-engineering is a method for documenting, examining, and improving each step in the business process of a court. It is one of the most inexpensive methods to improve workflow and increase service to the customers of the court. Re-engineering of operations will be essential if the Kaduna High Court of Justice intends to expand on existing automation or to implement a new computerized case processing system.

Process re-engineering in the Kaduna High Court of Justice will take a great deal of effort. This type of initiative should be led by the Chief Registrar of the Kaduna High Court of Justice and involve all court staff in each section. In order to start the process, the Chief Registrar should appoint a review committee in each section of the Registrar's Office. Committee membership should include all classifications of employees. In particular, it must include those employees who do the work since they know their jobs the best and usually have good ideas on how to improve the process. Once the committee has been formed, its members must be trained regarding why they are examining their business processes and operations and how they are going to accomplish documenting, improving and, most important, implementing the process.

***Recommendation 43:***

**The Chief Registrar should begin process re-engineering of court operations to improve the workflow and business procedures in the Kaduna High Court of Justice. Process re-engineering should incrementally involve all operations in the Kaduna High Court of Justice.**

**C. Role of Technology**

There has been a great deal written about the role of technology in courts and how it can help judges and court staff not only in facilitating the timely disposition of cases, but also in controlling calendars and in financial management. The role of technology is integral to the future success of the Kaduna High Court of Justice. Besides electronic recordation equipment and new fax and copy machines, the Kaduna High Court of Justice should seek and introduce an automated case tracking system in which court staff members enter all the case information now posted by hand in registration books.

The information now entered manually should be entered in a database software system that can not only perform the functions of the current registration books, but can also provide reports on the number, age, and status of cases filed, disposed, and pending.

***Recommendation 44:***

**The Kaduna High Court of Justice should seek funding from the Nigerian government for an automated case tracking system in which court staff members enter all the case information now posted by hand in registration books.**

***Recommendation 45:***

The Kaduna High Court of Justice should take steps to improve electronic communication among all the court's locations in the state by providing newer fax machines, then by introducing electronic mail, and eventually by having electronic wide area networks and Internet service. Ultimately, this capacity should be extended to the magistrate courts as well.

*Recommendation 46:*

There should be more copy machines and fax machines in the Kaduna High Court of Justice and the appellate courts. The court should explore whether competitive bidding and public contracts with private vendors would provide such machines cost-effectively.

*Recommendation 47:*

The Kaduna High Court of Justice should consider providing its judges with laptop computers to take notes on the bench and to prepare draft decisions. Subsequently, consideration should be given to extending the use of laptop computers to appellate court judges as well, and then to judges in the lower courts.

**D. Involvement of the Bar**

The Chief Judge has made significant efforts to involve members of the Bar in improving case flow management in the court. The Bar can be a powerful force in helping the court get what it needs not only to improve caseflow, but also to improve operations, including automation, facilities, and employee compensation. Moreover, the Bar can assist the court to enforce changes in policies and procedures as well as to train attorneys in the importance of limiting adjournments, being on time to court, and increasing times for process of service.

Even though the Bar should be involved in activities that support court improvement, the court should not lose sight of its independence and objectivity. It must be very clear from the beginning to the members of the Bar and other stakeholders in the judicial system that their participation and support involve them only in the continuous development of the court, not in judicial decisions regarding cases being heard by the court. It must be clear that assisting the court to improve the system of justice for the people of Nigeria does not compromise or sacrifice judicial independence.

**V. CAPITALIZING ON THE PAST AND MOVING FORWARD**

The Kaduna High Court of Justice has been doing an effective job of delivering justice to the citizens of the state of Kaduna. The Chief Judge, other judges, Chief Registrar, and court staff have usually confronted and solved problems in a thoughtful and positive manner, and they have accomplished much. This study provides them with an objective view of their system as well as recommendations for change. Change can occur only through problem-solving and by working together as a team.

Despite past achievements, in light of the rising case filings and in order to improve court administration and caseload management, the court's leadership must make a commitment to change. A Strategic Planning Council comprised of the Chief Judge, other judges, and Chief Registrar must determine the court's vision, mission, goals, and objectives. This will provide the context for reviewing the court's organizational structure and improving the methods by which the court is keeping records, processing cases, and controlling the pace of litigation. The court must work together as a team with appointed and elected officials and members of the Bar to promote legislation and/or change certain rules of civil and criminal procedure that govern case processing. Without these changes, case processing and hearings will remain cumbersome, time consuming, and delayed by adjournments or interlocutory appeals. Moreover, the Chief Judge, other judges, and Chief Registrar must establish time standards and differentiate the amount of time, effort, and energy that is spent on cases. Another priority is to increase training opportunities for judges, attorneys, and court staff in a variety of areas. Problem-solving meetings must be held to identify barriers to effective communication and to resolve issues that slow down the process of justice for the citizens of the state of Kaduna.

Once this report is read and understood, in order to start the all-important process of change, the court must prioritize and implement the many recommendations *not requiring additional resources*. For those recommendations that require additional resources, the leadership of the court and its officials must work together to secure funding from Nigerian government officials to carry them out.

## PART 3. – FCT ABUJA

The NCSC team's review of the structure, processes, management, and operations of the FCT Abuja High Court of Justice began with a meeting with the Honorable Chief Justice M. L Uwais of the Nigerian Supreme Court, Muktar Muhammad Dodo, Chief Registrar of the Nigerian Supreme Court, Justice M.A. Ope Agbe, Administrator of the national Judicial Institute, and others holding key positions at the national level of the Nigerian judiciary. These meetings were informative and allowed the NCSC project team to learn, from the national perspective, some of the operational issues facing the judicial system, as well as the Chief Justice's strategic vision and direction for the trial courts operating throughout Nigeria. Additionally, the project team met with the Hon. Justice M.D. Saleh, Chief Judge of FCT Abuja High Court of Justice, the Chief Registrar, Mwada Balami, and several judges of the court. These meetings were a forum for important discussions on the issues confronting the FCT Abuja High Court of Justice as a judicial system.

Part 3 is organized as follows:

- I. Caseflow Management
- II. Court Structure, Management, and Operations
- III. Court Policies and Rules of Procedure
- IV. Other Issues
- V. Capitalizing on the Past and Moving Forward

### I. CASEFLOW MANAGEMENT

This section summarizes elements of the caseflow process, provides statistics on the High Court's caseload, documents the volume and effect of adjournments, analyzes various causes of delay, and presents recommendations to reduce delay and improve the caseflow management process.

#### A. Case Filing, Assignment, and Disposition

When a party to a civil action files a new case in the FCT Abuja High Court of Justice, it must be initiated by filing it in the clerk's office of the Chief Registrar. Once a civil action is filed and recorded and filing fees are paid, staff in this office place the papers in the case into a file jacket. The case is then transferred to the Chief Judge for assignment, usually within 24 to 48 hours. In criminal cases, an attorney representing the Minister of Justice in Abuja usually files actions against a defendant.

Judges working in each division of the court are required to submit end of the month reports to the Office of the Chief Registrar. The Chief Registrar takes great care to compile the monthly reports and publish Quarterly Return reports, which itemize and track quarterly and annual statistics for each calendar year. Besides keeping track of civil and criminal cases filed, the Chief Registrar publishes numbers for cases disposed. Both monthly and Quarterly Return reports are then given to the Chief Judge for review and distribution.

#### *Recommendation 1:*

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The Chief Judge and other judges of the FCT Abuja High Court of Justice should use monthly statistical reports and quarterly return reports to monitor new filings and the pending caseload.

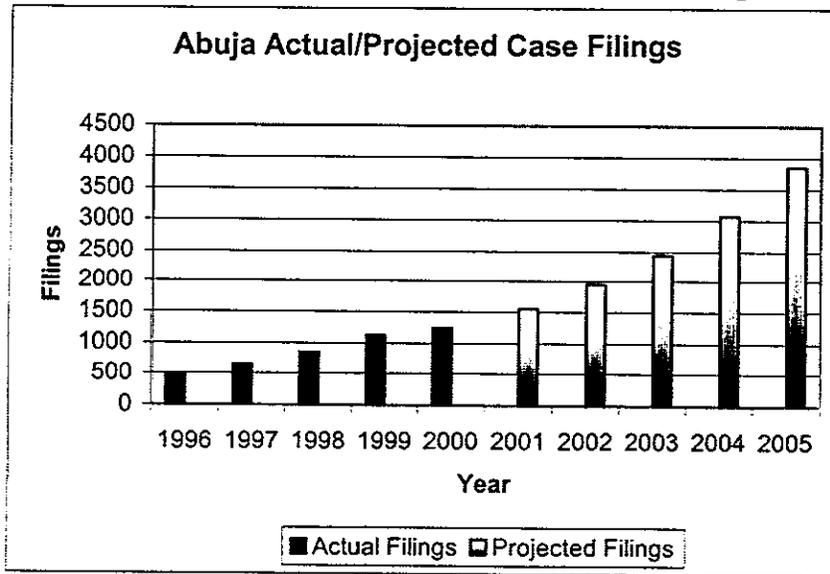
**1. Case Filings**

The annual number of new case filings is increasing. For calendar year 2000, the FCT Abuja High Court of Justice reported 1,238 cases filed. During the same year, 479 cases were disposed, and by year's end a backlog of 908 total pending cases remained. Four years earlier, in 1996, there were 497 new cases filed, 410 cases disposed, and 154 cases pending. These totals do not include any data from Court 10, whose records were not available because of a fire that burned down the court and all of its records in January 2001.

Filings for the most recent four years show an average annual increase of 25% in the number of overall cases. The growth was steady and significant. If this rate of growth continues for the next five years, the court will docket 3,854 cases by the year 2005.

Figure 1 illustrates the impact this growth will have on FCT Abuja's High Court of Justice, showing past and projected caseloads. This figure combines civil, criminal, and motions cases because the data provided to the NCSC team indicated that growth of civil and criminal case types was consistent with the overall projections. Table 1 shows the actual data on which Figure 1 is based.

**Figure 1. – FCT Abuja High Court All New Filings**



**Table 1  
FCT ABUJA CIVIL/CRIMINAL CASE AND MOTION FILING & PROJECTIONS**

Year	Actual/Projected Filings
1996	497

1997	646
1998	853
1999	1,129
2000	1,238
2001	1,554
2002	1,950
2003	2,447
2004	3,071
2005	3,854

## 2. Case Assignment

Once a case is filed and perfected by the Registrar's Office, it goes to the Chief Judge who reviews and assigns cases to judges on a rotating basis. Depending on the complexity and visibility level of the case, the Chief Judge gives some consideration to a judge's legal expertise and availability before assignment. Because judges manage their individual calendars by various methods and have different backlogs, and because of the complexity of a particular case, the Chief Judge may assign another judge (out of normal rotation) to hear the case. Once the case is assigned to a courtroom or division, the principal registrar in the division is responsible for filing answers, ensuring service is completed, accepting motions, and setting the case on the judge's calendar. In essence, once a case is filed in the FCT Abuja High Court of Justice, it is the judge, the principal registrar, and the rest of the judge's staff who are responsible for getting the case ready to be heard in court and disposed.

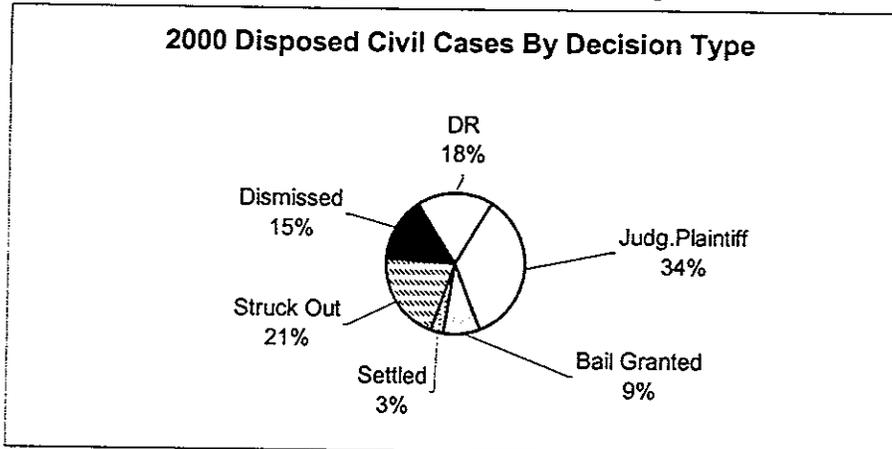
## 3. Case Dispositions

Case disposition in a just, effective, and efficient manner is the primary goal of any caseload management system. A proper system of caseload management cannot be established by the work of a few judges in a court. It takes the effort and commitment of the entire bench to demonstrate that the court is serious about the timely disposition of cases. Further, it takes the work and commitment of the judges' and Chief Registrar's staff to demonstrate that their primary job responsibility is the timely disposition of cases by the court.

Judges working in the FCT Abuja High Court of Justice hear motions on cases on a regular basis. Depending on the number of pending cases, most judges hear motion hearings on a call over day either weekly or bi-weekly. Cases are disposed by judgment of the court, and non-appearance of attorneys causes many delays. This being the case, the Chief Judge and other judges in the FCT Abuja High Court of Justice must realize that (a) as urged by the judge, attorneys settle cases, (b) when they are expected by the judge to appear in court prepared, attorneys are more apt to settle cases, and (c) when significant events and reasonable timelines are agreed upon, attorneys will prepare for those significant events.

One FCT Abuja High Court<sup>1</sup> (division), referred to as the Abuja Sample Court, provided a detailed listing of case dispositions by case type for calendar year 2000. Figure 2 shows the disposition of 34 disposed civil cases by decision type. The largest portion (34%) recorded a judgment for the plaintiff. Of the remainder, 21% were struck out<sup>2</sup>, 18% were DR cases, 15% were dismissed, 9% were bail granted, and 3% were settled by agreement.

Figure 2 – Abuja Sample Court Civil Case Dispositions in 2000



This same court disposed of 49 motions cases during 1999. The largest proportion (42.9%) resulted in bail granted/denied. Of the remainder, equal proportions (24.5%) were dismissed and struck out, judgment was entered in 2%, and 6.1% resulted in other decisions.

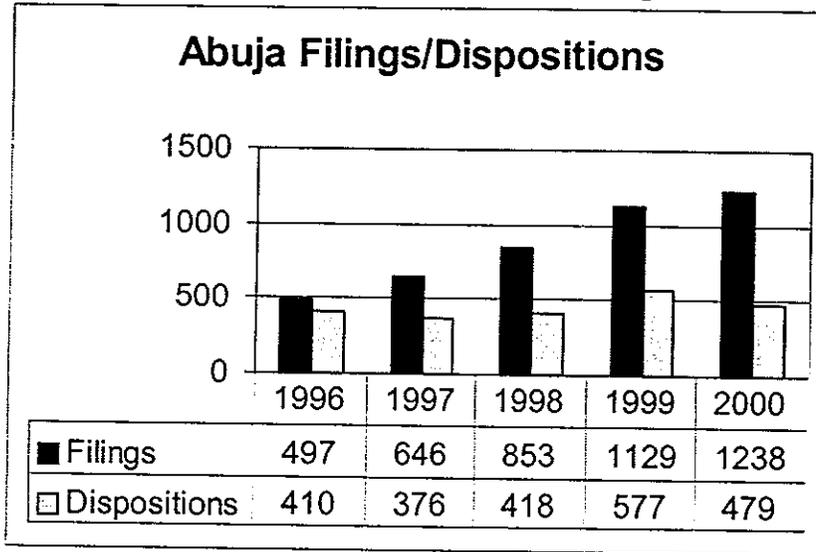
These cases took an average of 53 days from filing to commencement, while the average time from filing to disposition was 597 days.

Figure 3 compares filings to dispositions in all divisions of the FCT Abuja High Court of Justice from 1996 to 2000. While case filings increased by an average of 25.5% per year, the number of dispositions increased by only 4% per year, causing the pending workload to increase significantly.

<sup>1</sup> To provide anonymity to members of this court division who provided the NCSC project team sampling information, this court is not identified.

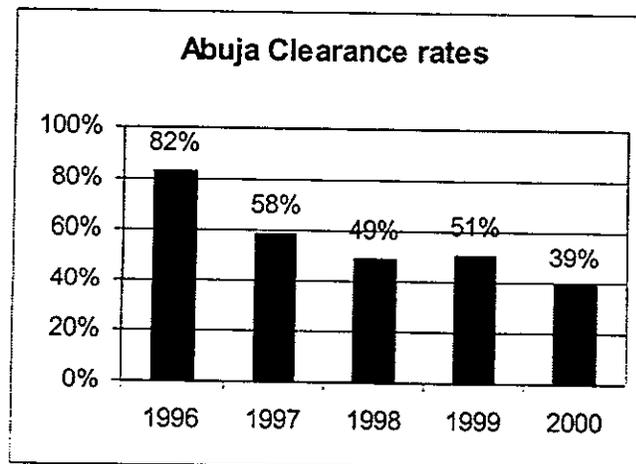
<sup>2</sup> Cases “struck out” by the judges are closed and returned to the Registrar’s Office. However, either party to the action may return and motion the court to re-open the case without having to open a new case.

**Figure 3 – Filings/Dispositions in All FCT Abuja High Court Divisions**



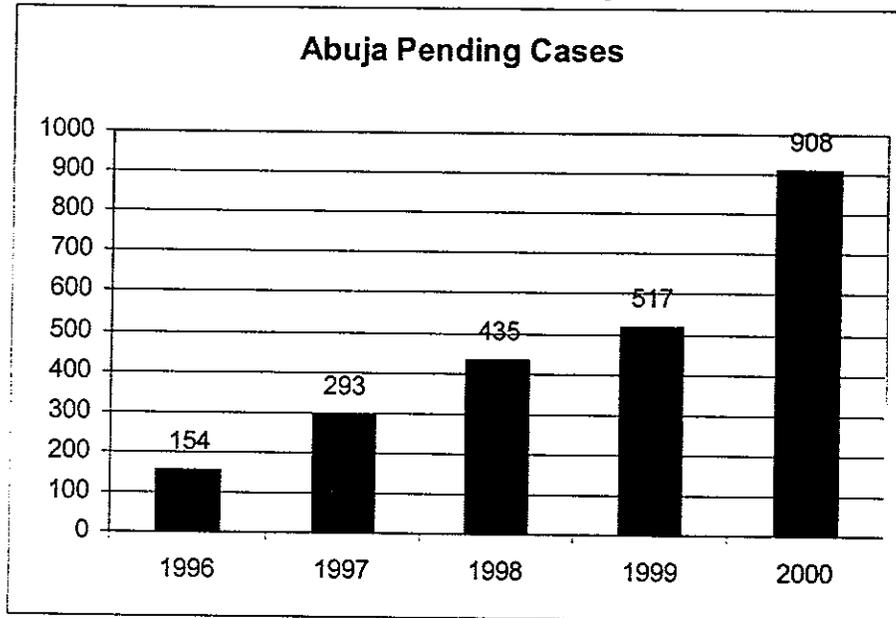
Moreover, as shown in Figure 4, the clearance rate (the number of dispositions divided by the number of filings) dropped from 82% in 1996 to 39% in 2000.

**Figure 4. -- Clearance Rates in All FCT Abuja High Court Divisions**



As a result, as shown in Figure 5, there are nearly six times as many pending cases in 2000 as there were in 1996.

Figure 5 – Pending Cases in All FCT High Court Divisions



Alternative methods of case resolution and disposition may ease some of this burden. See Section E entitled Other Issues below.

#### B. Adjournments and Case Disposition Time

To ensure that cases will progress and be properly managed, judges in any court must agree upon, adhere to, and continually articulate a clear adjournment (continuance) policy. If the court has established case processing goals and time standards regarding the age of pending cases, the court can then rely on its adjournment policy to meet those goals. However, even the most effective adjournment policy will not, in and of itself, rule out all continuances. Keeping adjournments to a minimum requires firm adherence to and enforcement of standards, under which adjournments are granted only when good cause is shown and requests for adjournments are in writing<sup>3</sup> and prior approved by the parties.

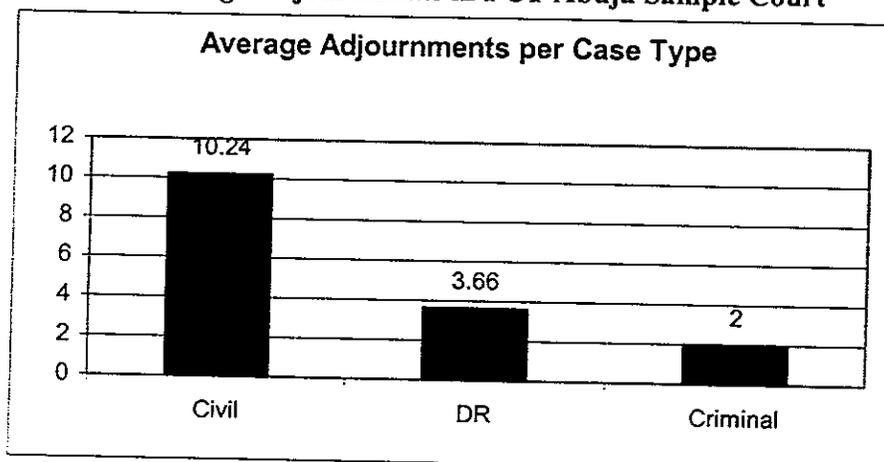
An adjournment obviously means a delay in a case's conclusion. In the broader context of caseload management, however, a court's adjournment policy and adjournment leniency by judges also affect attorneys' and other case participants' views of the courts commitment to caseload management and timely disposition of cases.<sup>4</sup>

During the on-site visit, the NCSC project team counted the number of adjournments (continuances provided) in closed cases for calendar year 2000 in the sample Abuja court. Figure 6 shows the average number of adjournments by case type.

<sup>3</sup> American Bar Association, Standards Relating to Trial Courts, 1992 Edition, Section 2.55.

<sup>4</sup> Steelman C. David, et al, *Caseflow Management – The Heart of Court Management in the New Millennium*, National Center for State Courts, 2000, pg 116.

**Figure 6 – Average Adjudgments in FCT Abuja Sample Court**



This court recorded 256 adjournments on 34 civil cases disposed of during 2000. Adjudgments per case ranged from 0 – 25, with an average of 10.24. These cases averaged 56 days from filing to commencement and 690 days from filing to disposition.

In the six domestic relations case dispositions in 2000, there were 22 adjournments. The number of adjournments per case ranged from two to six, with an average of 3.67. Thus, these cases moved through the courts more quickly than civil cases.

There were six adjournments recorded during 2000 on three criminal cases, with an average of two per case, allowing these cases to move through the courts very quickly. These cases averaged 83 days from filing to commencement and 206 days from filing to disposition.

In the opinion of the NCSC project team, adjournments are one of the primary reasons for delay in the disposition of cases in the court. Reducing the number of adjournments allowed will expedite cases through the courts. Therefore, as indicated in the recommendations below, proactive, concerted change to reduce adjournments is critical to ensuring the progress of a case from filing to disposition to post judgment activity.

***Recommendation 2.***

The Chief Judge and other judges of the FCT Abuja High Court of Justice should develop, publish, and enforce a firmer court policy on adjournments.

***Recommendation 3:***

The judges of the FCT Abuja High Court of Justice should unite and actively discourage rescheduling of cases. They should promote case preparation before hearing by creating the expectation among parties and advocates that the court will discourage any rescheduling request in all but the most unusual circumstances.

**1. Relationship between Adjudgments and Delay**

Based on interviews with FCT Abuja High Court of Justice judges, court officials, and representatives from public agencies and the Bar, combined with analysis of selected cases, it is the opinion of the NCSC project team that the growing number of adjournments in the FCT

Abuja High Court of Justice results from two factors. These are the local legal culture and the constraints of the federal and state rules of civil and criminal procedure.

For various reasons, attorneys either do not appear on the day and at the time their case is to be heard, or they appear and request an adjournment. Interviews of attorneys indicate that the local legal culture accepts delays in proceedings as a way of doing business. In other words, some attorneys come to court unprepared and believe that the judge will give them another adjournment without question. This leaves the judges of the FCT Abuja High Court of Justice in an awkward position, since there are too few and ineffective sanctions to discipline an attorney who doesn't come to court or is not prepared. In terms of procedural constraints, other attorneys will use the law on interlocutory appeals as an adjournment tactic. Overall, adjournments are a major contributor to the delay problem.

*Recommendation 4.*

**The Chief Registrar's staff should count how often and why hearings are rescheduled and by whom in criminal and civil cases. This information should be used to prepare monthly reports to the Chief Judges and regularly shared with other judges of the Court.**

**C. Reducing Delays in Caseflow**

There are many strategies used by court systems to reduce delays in caseflow. Some courts use strict timelines and differentiated case management techniques (see Section E below). To limit the unnecessary adjournments described in B above, some courts use local rules to require attorneys to come at the exact time and on the date a case is set, while other courts use sanctions and discipline committees to make attorneys follow court rules or established practice standards. Whatever methods are chosen, the FCT Abuja High Court of Justice must reduce the delay judges are experiencing. Otherwise, the backlog of cases will eventually create such unbearable delay for all parties concerned that the legal system in the court will become ineffectual.

*Recommendation 5.*

**The FCT Abuja High Court of Justice should designate an Assistant Registrar to more closely supervise delays and improve the service of process and delays in the forwarding of case records on appeal from appellate, area, and magistrate courts. This individual should report monthly to the Chief Judge and the Chief Registrar on his or her performance in reducing delays at these stages of the case process.**

*Recommendation 6.*

**The FCT Abuja High Court of Justice should establish reasonable standards for the prompt disposition of its criminal and civil cases.**

*Recommendation 7.*

**The High Court of the FCT of Abuja should reduce the size and age of the pending civil and criminal case inventory by at least 20 percent higher than the total number of newly filed cases each year.**

*Recommendation 8.*

**The FCT Abuja High Court of Justice should establish a goal to reduce the inventory of pending cases to no more than the number of cases that can be disposed within standards that the court has established for the prompt disposition of all its cases.**

***Recommendation 9.***

**In counting and reporting its caseload, the FCT Abuja High Court of Justice should reflect statistics on a calendar year. The court should distinguish new filings from pending cases held over from prior years. The court's quarterly and annual reports should show dispositions as a percentage of new filings, and not as a percentage of all cases pending and filed each year.**

***Recommendation 10.***

**The FCT Abuja High Court of Justice should define "backlog" cases as those pending beyond time standards, and it should dedicate resources and give special management attention to the disposition of those cases.**

**D. Recordation of Court Proceedings**

Although recordation of court proceedings is fully addressed by another task in NCSC's contract with US/AID in Nigeria, it is important in the context of this report because current recordation practices contribute to delay. must be stated in this report that how the members of the High Court of the FCT of Abuja manually record notes, verbatim transcripts and prepared orders of court is one of the primary factors for delay in court proceedings.

**1. Relationship between Recordation and Delay**

Judges of the Kaduna High Court of Justice manually record notes, write verbatim transcripts, and prepare orders of court. The fact that judges act in the capacity of a recorder, and do so manually, is the main source of delay in the courtroom. By established rules of criminal and civil procedure, they cannot use electronic means to record court proceedings. This leads to delayed proceedings while the judge is writing and has created physical ailments in judges such as carpal tunnel syndrome of the fingers, hands, wrists, arms, and shoulders. Many judges interviewed complained that over the years the physical wear and tear of the job has been greater than any other factor in contributing to their burnout.

Eliminating manual recordation by judges will significantly reduce delay. In many other courts throughout the world, when an interlocutory appeal is filed to the Court of Appeals, the parties and/or their attorneys must pay for an official transcript prepared by an employee of the court. This practice, if adopted by the High Court, may discourage the large number of interlocutory appeals that are requested by lawyers without just cause.

***Recommendation 11.***

**The FCT Abuja High Court of Justice should make changes in the rules for recordation of court proceedings to allow the use of electronic recordation of events in the courtroom and in the judges' chambers.**

**E. Other Approaches**

There many other methods the FCT Abuja High Court of Justice can use to control and reduce the pending caseload. Internationally, courts are using differentiated case management, settlement conferences, and alternative dispute resolution to improve caseload management. This section reviews those approaches and provides the FCT Abuja High Court of Justice with specific recommendations on how it can use these approaches to improve the timely disposition of cases.

### 1. Differentiated Case Management (DCM)

Experience and common sense reveal that all cases filed in court are not equal. In all case types there are simple cases that can be disposed of quickly, routine cases that should be disposed of within the normal time standards, and complex cases that may take more involvement of the judge and potentially require additional time to reach disposition. Even without a formal DCM program, most experienced judges will naturally stratify their caseloads into simple, routine, and complex groupings.

Developing a DCM program is one way the FCT Abuja High Court of Justice can control case progress. Usually, the court accepts one case at a time and proceeds on the same timetable for all cases. Further, it maintains cases in date order and fails to realize that all cases do not need the same amount of attention. By treating all cases the same way, some are rushed and other are unnecessarily delayed.

In developing a formal DCM program, a court system needs to develop evaluation criteria, case events, and modified time to disposition standards for each DCM category. A DCM program is a practical approach to managing court cases, opens up channels of communication about expectations between the court and the parties or attorneys, and improves the use of resources—particularly judicial and staff time. The ultimate goal is to reduce costs and delay in litigation and provide litigants with more satisfactory results.

Under a DCM system, the Office of the Chief Registrar, with the approval of the Chief Judge, distinguishes at the time of filing and amount of time and attention the case needs from judges and lawyers and the pace that is needed to bring the case to conclusion. The concept of DCM puts cases into different categories or track. The most popular and effective system used by courts is a three-track system:

- **Track 1: Cases that are less complex and need little of the court's attention. Based on the simplicity of issues, these cases should have a higher likelihood of settling.**
- **Track 2: Cases that are of average complexity and have issues requiring conferences with a judge or court hearing but that do not pose great difficulty to get to disposition.**
- **Track 3: Cases that are more complex and call for the extensive involvement of a judge because of their legal complexity, number of attorneys or public visibility.**

Once a case is assigned to one of these tracks, it is differentiated by the amount of time that it is expected to take to dispose of the case from date of assignment to disposition and post judgment activity. With a time standard for each track, the court can take control of the case by setting goals for completion. As an example, as shown in Table 2, DCM time standards for civil cases typically reflect the percentage of cases completed within a recommended set time period:

- **Track 1: When judges are hearing a less complex civil case, 90% of the cases should be disposed of within 3 months, 98% within 6 months, and 100 % within 12 months.**

- **Track 2:** When judges are hearing an average complex civil case, 90% should be disposed of within 6 months, 98% within 12 months, and 100% within 24 months.
- **Track 3:** When judges are hearing a more complex civil case, 90% should be disposed of within 12 months, 98% within 24 months, and 100% within 48 months.

**Table 2: Civil Case Tracking Matrix**

<b>Track 1 Less Complex</b>	90% in 3 mos.	98% in 6 mos.	100% in 12 mos.
<b>Track 2 Average Complex</b>	90% in 6 mos.	98% in 12 mos.	100% in 24 mos.
<b>Track 3 More Complex</b>	90% in 12 mos.	98% in 24 mos.	100% in 48 mos.

Time standards established by courts for criminal cases are somewhat different. In the U.S., they are set by state and federal law and rules of criminal procedure. Based on the problems the FCT Abuja High Court of Justice experiences getting criminal cases filed, delays in bringing defendants to court, delay in receiving or loss of evidence, and seriousness of the felony, time standards for criminal cases may be more forgiving. For example, as shown in Table 3, DCM time standards for criminal cases could be as follows:

- **Track 1:** When judges are hearing a less complex criminal case, 90% of cases should be disposed of within 3 months, 98% within 6 months, and 100% within 9 months.
- **Track 2:** When judges are hearing an average complex criminal case, 90% should be disposed of within 6 months, 98% within 12 months, and 100% within 18 months.
- **Track 3:** When judges are hearing a more complex criminal case, 90% should be disposed of within 12 months, 98% within 18 months, and 100% within 24 months.

**Table 3: Criminal Case Tracking Matrix**

<b>Track 1 Less Complex</b>	90% in 3 mos.	98% in 6 mos.	100% in 9 mos.
<b>Track 2 Average Complex</b>	90% in 6 mos.	98% in 12 mos.	100% in 18 mos.
<b>Track 3 More Complex</b>	90% in 12 mos.	98% in 18 mos.	100% in 24 mos.

DCM for motions and matters that come before the judge or before a trial to court has a particular effect on the time allowed for completion of discovery. For cases assigned to Track 1 described above, little or no discovery is needed. On the other hand, in Track 3 a complex case would require individually tailored timetables for completion of discovery.

Under a DCM system, court monitoring of case progress is continuous. The court also monitors compliance with deadlines set by parties and their attorneys. The level of judges' involvement in any particular case would be determined by its specific track assignment.

***Recommendation 12.***

**The FCT Abuja High Court of Justice should adopt differentiated standards as a management tool for the expeditious disposition of cases to assist the court in its efforts to reduce the number of civil and criminal cases.**

## **2. Settlement Conferences**

Settlement conferences, a form of alternative dispute resolution (see 3 below), can be an effective means of bringing civil cases to timely dispositions. In settlement conferences, judges or respected members of the Bar who are not assigned to or subjectively involved in a case act as consultants to the parties. Depending on the complexity of the case, they may express an opinion on how much, in their experience, they think the case is worth. Alternatively, they may assist parties to come to terms of a settlement by determining the cost of a case if it continues. Using judges and esteemed members of the Bar to settle cases is a very efficient method for disposing of cases and reducing backlog in a court. In fact, many U.S. courts once or twice a year sponsor what is known as settlement week. During this period, the oldest of civil cases are brought before members of the Supreme Court or esteemed members of the Bar. Parties to the action meet with this “settler” and do their best to resolve part or all of their differences. Such programs have reduced the pending case inventory of the court and have been evaluated as a most effective way of saving the court time and money.

Research by the NCSC project team revealed that cases in the FCT Abuja High Court of Justice that “settled” had a higher number of adjournments than cases that did not settle. Although this paradox results in settled cases, it does not speak to the time, money, and resources that are expended by the court, attorneys, and the parties to bring a civil action to closure.

In order for settlement conferences to be truly successful in the court, the Chief Judge should appoint a fellow judge with the appropriate demeanor to act as a settlement judge. With this new responsibility, this judge must then coordinate the negotiated settlement activities of the court and determine from other judges which cases are ripe for settlement. Of course, any settlement program is only as successful as the support it receives from the bench and members of the Bar.

### ***Recommendation 13.***

**The FCT Abuja High Court Justice should consider appointing a judge to encourage, coordinate, and conduct all negotiated settlement activities of the court.**

### ***Recommendation 14.***

**Before hearing arguments in civil cases, all judges of the FCT Abuja High Court of Justice should routinely inquire if attorneys and the parties they represent have considered the possibility of a negotiated settlement. In every such case, the court should encourage negotiated resolution as an alternative to a formal court decision.**

## **3. Alternative Dispute Resolution (ADR)**

Unlike settlement conferences, ADR refers to a variety of means to bring conflicts to conclusion, either as adjuncts or alternatives to traditional court process. In the past 20 years, ADR programs have proliferated in the U.S. ADR processes include mediation, arbitration, early neutral case evaluation, and private dispute resolution. Such programs can be an extension of the services offered by the court, or they can be services that are privately contracted and referred to by the court.

The use of ADR must be consistent with the tenets of caseload management. If used properly, it provides many benefits. Some of those benefits are quality of decision making, reduced cost to parties, faster disposition of the case, better use of the court's resources, improved litigant satisfaction, and increased public trust and confidence. Therefore, whenever the court uses ADR programs, the same case processing time standards must be used, including time allotted between events. ADR programs used by the court must fit into the court's overall plan to reduce the pending caseload and to support the court's control of case progress.

One of the best forms of ADR the FCT Abuja High Court of Justice can use is mediation. Mediation is the intervention into a dispute or negotiation of an acceptable, impartial, and neutral third party who has no authoritative decision-making power, to assist contending parties to voluntarily reach their own mutually acceptable settlement of issues in dispute.<sup>5</sup>

***Recommendation 15:***

**The FCT Abuja High Court of Justice should encourage the use of alternative dispute resolution (ADR) programs in magistrate and area courts to promote increased satisfaction with lower court decisions and reduce the number of appeals to Court of Appeals and to the Supreme Court.**

## II. COURT STRUCTURE, MANAGEMENT, AND ADMINISTRATION

The NCSC team's analysis assesses organizational structure in terms of its relationship to case processing procedures and to the overall operations of the FCT Abuja High Court of Justice. From this perspective, the key questions include: What elements of the present structure promote or hinder effective case processing and achievement of the court's goals? What modification in the structure or definition of roles could lead to improvements in the court's operations? Are there clear lines of communication? How does information flow in the organization? Is there a need for realignment?

Court operations in the FCT Abuja High Court of Justice are complex and over time have evolved into a structure that does not intrinsically support the timely disposition of civil and criminal cases. Based on the NCSC team's review of management practices, it is safe to conclude that some of the basic concepts of court management and the idea of courts as a system are just evolving. This section reviews the court's structure and a variety of management operations, providing recommendations for improvement.

### A. Framework for the Review

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<sup>5</sup> Mediation manual, CDR and Associates, Boulder, Colorado, USA, 1986.

In reviewing the operations of the FCT Abuja High Court of Justice, the NCSC project team was guided, among other factors, by a consideration of the five critical areas of court performance, as enunciated in the national (U.S.) Trial Court Performance Standards<sup>6</sup>. The guidelines embodied in these national standards are intended for judges and managers interested in improving the work of the trial courts. They have proven to be a valuable resource for self-assessment, strategic planning, and self-improvement of trial courts not only in the U.S., but in other countries as well. Appendix A contains a more detailed outline of these standards.

**Access to Justice  
Expedition and Timeliness  
Equality, Fairness, and Integrity  
Independence and Accountability  
Public Trust and Confidence**

**B. Present Organizational Structure of the High Courts**

Unlike the federal courts, which have achieved highly compact or rather streamlined organizational structures, the FCT Abuja High Court has an organizational structure that needs improvement. The organizational structure does not conform to theories of organizational coherence and utility.

**C. Organizational Structure of the FCT Abuja High Court of Justice**

The FCT Abuja High Court of Justice has a complement of 17 judges who work in five court locations: 10 in Abuja, 3 in Kubwa, 2 in Kwali, and 1 each in Zuba and Gwagwalda. The judicial centers in Kubwa and Kwali currently operate as mere extensions of the main courthouse in Wuse as they have no intake services and other case processing functions. The exact number of staff assigned to judges and various departments under the Chief Registrar was not readily available. However, the NCSC project team believes the court employs more than 300 support staff based on the number of cases filed as well as the number of judges assigned. The organization of the Court is traditionally configured. Appendix C, the organizational chart, shows the various departments and reporting relationships.

The Chief Judge is the chief judicial officer for the FCT Abuja High Court of Justice, which performs as both a trial court of general jurisdiction and the appellate court for the lower courts. As chief judicial officer, the Chief Judge is responsible for the administration of all courts in the state, subject to the direction of the Chief Justice of the Republic. The Chief Judge assigns all new cases filed to the judges who maintain individual calendars for both civil and criminal cases and appeals.

The judges of the high court are relatively isolated from the administration of the court and focus primarily on managing their individual calendars, scheduling, and hearing the cases assigned to their courts by the Chief Judge. Each judge is assigned a staff of from three to seven individuals. Each judge supervises his or her own staff which is made up of a registrar, a messenger, clerk typists, a secretary, and an orderly or security guard, a cleaner. Judges' participation in the administration of

<sup>6</sup>Trial Court Performance Standards (TCPS), NCSC and the Bureau of Justice Assistance, United States Department of Justice, Williamsburg, VA, 1990.

the Court is primarily consultative, with occasional involvement in a special project. For example, a liaison judge is working with both the Chief Judge and the Chief Registrar to implement a proposed court-wide automation project.

The court's organizational chart shows a hierarchical model, which places the Chief Judge at the helm of the organization while the Chief Registrar and other judges report directly to him. The position of Chief Registrar is created by statute. Apart from his basic statutory functions, the Chief Registrar administers all court departments, with the assistance of his deputies and other department heads. Some of the department heads are called Deputy Chief Registrars, while others are called Directors. It is not known whether the Chief Judge and the Chief Registrar are assisted by "lead judges" at the Kubwa and Kwali extensions since these are not designated judicial divisions.

According to the table of organization, directly under the Chief Registrar are four Deputy Chief Registrars and two Directors in charge of the following departments: Personnel Management, Litigation, Magistrate Court, Area Courts, Finance and Supply, and Planning, Research, and Statistics. There is also an internal audit unit that reports directly to the Chief Registrar.

While there is a general understanding of what the various managers and court staff should do, the existence of a coherent document listing roles and responsibilities is unclear. Without job descriptions, it is difficult to set forth clear expectations and conduct meaningful employee performance assessments.

Nevertheless, the duties and key responsibilities of these departments are outlined in some of the documents the NCSC team obtained on-site. For example, the Personnel Management Department is charged essentially with the general administration of the High Court. Specific duties include Estate or Facilities Management, Protocol, Security, Transportation, Training and Development, and Secret Registry and Open Registry (personnel records). It is striking that the director of personnel and her department are responsible for the control of security guards, drivers, cleaners, and other employees who provide support services to the court. The department's duties also include maintenance of equipment, residences, and offices. Clearly, the bulk of these are general administrative duties and, to some degree, operational functions that should not have been mixed with human resource management functions.

There are similar anomalies in the responsibilities of the Director of Planning, Research, and Statistics. This individual is responsible for preparing development plans such as capital and operating budgets. He or she is also responsible for records management, information, and documents such as staff rolls and staff records of service cards. Other duties include operations research and the preparation of grading guidance or detailed descriptions of all posts in the various departments.

Using these two departments as an example, it is evident that duties and responsibilities have become dispersed among the various departments over time and have perhaps resulted in illogical alignments. As a result, it is unclear whether the full range of critical human resource management function is adequately performed in any department. When the functions are dispersed, they have less visibility and accountability. The current distribution of tasks raises a number of questions. For example, is there a legitimate business reason for placing several general administrative duties under the Director of Personnel? Why is the Planning and Research Department responsible for a number of key human resources functions? Why is the Planning and Research Department and not the Finance Department responsible for budget development?

The court may wish to continue the research and planning function under an office that reports directly to the Chief Registrar. However, the rest of the duties of this department as presently constituted should be placed with other departments in order to promote more efficiency. For example, budget development and implementation should be performed primarily by the Finance Department. Likewise, preparation of pay grading or detailed job descriptions for all positions in the various departments and management of documents, such as staff nominal roll and staff records of service cards, should be returned to the Personnel Department.

Another organizational issue is whether the management structure includes all the necessary functions. For example, conspicuously absent from the structure is an information technology department that should be charged with developing the infrastructure needed to support the work of the court. Statistical and other information required for management decisions is not readily available, and the quality of these decisions depends heavily on the quality of management information. In addition, the absence of an information system hindered the NCSC team's data collection efforts.

The purpose of the following recommendation is to increase the effectiveness of the critical functions that support efficient and effective court operations. An effective and efficient organizational structure in the Court will not only support good communication but also improve case management. A streamlined structure will allow for the creation of a strong court-wide management team comprised of the Chief Judge, a number of lead judges, the Chief Registrar, and the department heads.

***Recommendation 16.***

**To improve the operations of FCT Abuja High Court of Justice, the court should consider restructuring the departments so that similar functions are grouped together under a single department.**

**D. Human Resources and Personnel Management**

This section addresses three issues associated with human resource and personnel management in the FCT Abuja High Court of Justice: (1) consolidation of the human resources management functions; (2) the total number of court personnel and their distribution among personnel categories; and (3) personnel functions.

**1. Consolidation of functions**

As indicated in C above, the dispersion of personnel management among departments can weaken personnel management functions and inhibit accountability for their performance. What is needed is a single Human Resources Department responsible for all personnel functions, such as recruitment, testing, selection, classification and compensation, pension, salary/wage and benefit administration, staff development and training, employee discipline and grievance procedures, terminations, performance assessment and management, and employee/labor relations. Placing all of these functions under one department will make planning and directing human resource programs and initiatives easier and much more efficient. It will also underscore the fact that employees constitute the court's single most important resource.

***Recommendation 17.***

**The FCT Abuja High Court of Justice should create a separate Human Resources Department with a qualified human resources professional as the director who oversees all personnel functions in the court.**

**2. Overall Staff Size and Functional Distribution**

Based on the team's interviews of a number of judges and front line staff, one could conclude that a major part of what is needed to improve the work of the FCT Abuja High Court of Justice is the additional of personnel. However, the team's viewpoint is quite different. The team believes that the court currently has sufficient total numbers of human resources to make significant improvements in both the quality and quantity of work the court performs. The real problem is that an analysis of the current workforce reveals an inverse relationship between the category of positions the court has and its actual manpower needs. For example, while there is an ample number of cleaners and security guards on the payroll, the judges have no law clerks or interns assigned to them. Nearly all judges consulted during this study cited problems resulting from the lack of legal research assistance.

***Recommendation 18.***

**The FCT Abuja High Court of Justice should employ Law Interns/Law Clerks (usually recent law school graduates employed for a term of one year) to assist each of the judges with legal research and memoranda.**

(This recommendation could be accomplished through the attrition of redundant and duplicative positions currently assigned to individual judges. If funding were available, newly funded law intern/clerk positions could be established at once or phased in over a period of time as newly funded positions.)

**3. Personnel Functions**

The personnel management function in the FCT Abuja High Court of Justice is hampered by the absence of formal, official guidance documenting general personnel policies and procedures, position duties and responsibilities, performance appraisal, and in-service training. A new, comprehensive personnel policy and procedures manual will help improve clarity of communication among all personnel in their collective efforts to manage the courts. It will also facilitate employee training, document fair employment practice, and save the time of supervisors and managers. It is essential in making the policies comprehensible to the employees governed by them. Also, managers and supervisors benefit from having written limits that define the boundaries of their discretion. As a companion to general policies, well-written position descriptions set out clear, succinct expectations for each employee. They also facilitate the development of individual goals and objectives, contributing enormously to the development and implementation of an employee performance appraisal system. Today's court personnel perform many of the functions described in this report, but they would benefit from more explicit position descriptions. As for training, the NIALS report (page 64) demonstrates the need for a clear, consistent in-service training initiative. The majority of judges did not feel that they had adequate training for their post, and they said they had not benefited from continuing judicial education for the past five years. Court administrators were split on the

question of the adequacy of training, but the majority reported no on-the-job training in the past five years.

***Recommendation 19.***

**The FCT Abuja High Court of Justice should develop a new personnel policy and procedures manual.**

***Recommendation 20.***

**The FCT Abuja High Court of Justice should develop clear and concise job descriptions and specifications for every job title in the court.**

***Recommendation 21.***

**The FCT Abuja High Court of Justice should develop an employee performance appraisal system in order to continuously assess staff performance and to enhance career progression.**

***Recommendation 22.***

**The FCT Abuja High Court of Justice should develop an education and training program for judges and staff, managed by a qualified training specialist.**

Personnel records management is a function that requires particular attention. There are at least five key policy issues regarding a court personnel records system:

1. Whose records and what records are kept for job applicants and court employees?
2. How long must information be kept on file, and in what form must records be kept?
3. Among the judges, court managers, and supervisors, who has access to personnel and job-related employee information?
4. Do court employees have access to their own personnel files?
5. What personnel information should be disclosed about a present or former employee at the request of persons outside the court?

The court needs to consider these issues in implementing the following recommendation. Also, the court needs to eliminate the duplication caused by the bifurcated responsibility of secret and open personnel files.

***Recommendation 23.***

**The FCT Abuja High Court of Justice should implement a centrally managed personnel records system. The secret and regular files should be properly managed and maintained by the Human Resources Director. Current bifurcation of these files is unnecessary.**

## **E. Management Services**

Effective management services will support and improve the day-to-day operation of the court. The proposed organization structure, shows a new Department of Management Services that includes such functions as finance, budgeting, accounts, purchasing, facilities management,

maintenance, and transportation management. This department should be responsible for budget planning, preparation, and implementation. It should handle purchasing and procurement, revenue collection, and deposits. The audit and control unit should perform all financial audits and internal controls, including the review of payroll worksheets and receiving reports that result from purchasing and procurement. In the NCSC team's view, this time-tested approach has enough built-in checks and balances to prevent fraud and defalcation. As envisioned, the Department of Management Services will also be responsible for facilities and fixed assets planning and management. Facilities management includes such functions as basic cleaning, repairs and maintenance (buildings, furniture, and equipment), signage, and the provision for janitorial and housekeeping supplies.

## **F. Case Management**

By improving case management, the court will improve the timely disposition of cases and enhance services to lawyers and litigants. Case management has both structural and procedural aspects. This section discusses structural factors. Section I discusses procedural factors.

Of all three courts in this study, the FCT Abuja High Court of Justice is the only one that has probate under the Litigation Department. The recommended organizational chart shows a Case Management Department. The range of functions envisioned for this department includes: general intake services for the entire spectrum of cases that come before the High Court (including civil, criminal, probate, and appeals); the processing of these cases; preparing and maintaining statistical reports, records, and file management for all cases (active and pending); and the provision of courtroom support services, such as overseeing the recordation of court proceedings, proceedings transcript management, and interpreting for linguistic minorities. Inadequate interpreting service featured prominently as one cause of delay. There are only a few staff court interpreters for the entire court. Consequently, scheduling of trials is often delayed to ensure availability of an interpreter.

## **G. Information Technology**

There is a critical need to establish an Information Technology Department not only to improve records management and retention, but also to expedite the processing of and access to case related data in the court. Consolidating similar duties and responsibilities under one department will improve the efficiency and overall effectiveness of the Court. The director of this department should be responsible for planning and developing an information technology infrastructure necessary to support the work of today's modern court. Although this recommendation may seem somewhat ambitious for the FCT Abuja High Court of Justice, without the gradual introduction of modern technological applications the court's operation will continue to be costly, inefficient, and ineffective. Interviews with members of the Bar and others indicate that these sophisticated users of today's courts expect the courts to use modern methods. They expect the same speed and reliability of service as in banking and other sectors.

Related initiatives are already underway. The FCT Abuja High Court of Justice has a fledgling computer center where a number of employees perform data entry and batch processing of limited information using a few stand-alone personal computers. Also, based on the information obtained during the team's brief visit, the court is about to embark on a system-wide court automation project. According to the proposal, the project scope is broad and includes a computerized case management system for civil and criminal cases, a Local Area Network (LAN), an automated personnel management information system, and electronic recording of court

proceedings. As envisioned, the LAN will not only link the offices and courtrooms at the headquarters complex in Wuse (Abuja), but will also bring on line the other two satellite courthouses in Kubwa and Kwali.

## **H. Facilities Planning and Management**

The FCT Abuja High Court of Justice has three main court complexes. The conditions of each courthouse vary greatly. While devoted exclusively to court use, the buildings in Kubwa and Kwali are makeshift, with courtrooms and chambers converted from residential housings. Observation suggests that these buildings are not properly maintained. Space allocation and floor plans for various offices are not consistent with the workload and workflow needs of the assigned personnel. The main registry which serves as the central intake area for cases being filed, as well as for the many services the Chief Registrar must render in accordance with statute, is often overcrowded and lacks sufficient seating for the volume of citizens it serves. The facilities are substandard and inadequate given the volume of work, number of judges, and number of people that come there on a daily basis. The basic cleaning and upkeep of the courthouse is poor by any standard. Mounds of garbage and other junk, mostly broken furniture, litter every area of the courthouse including public hallways and offices. Another facility-related issue is the lack of office and directional signage in the courts. It was somewhat of a mystery how court users could find the offices and other locations.

Fortunately, the team was told that the FCT Abuja High Court is in the early stages of planning and designing a new courthouse complex. The team received no information suggesting that the planning and design efforts thus far enjoyed the full participation of the judiciary. Such input is absolutely necessary to ensure that the present and future needs of the system are taken into consideration. This is usually accomplished by conducting a workflow analysis. Properly done, such an analysis brings to light all of the steps or events involved in processing a case or delivering services to the public. It answers questions such as: Does the current process work efficiently and effectively? Does the court need a process-re-engineering? Can the court eliminate or combine some of the steps? Does the design of the building sufficiently address the circulation patterns for judges, the public, and prisoners? Taking all of these questions into consideration, the design of court facilities and allocation of office space and/or work areas should put functions before form.

A court facility designed, built, and managed with all of these questions in mind will go a long way in meeting the goal of improving access to justice and promoting expedition and timeliness of case processing. In addition to court programs and procedures, the physical infrastructure should promote efficiency, accessibility, convenience, and safety. Also, the aesthetics and decorum of the courtroom should project a positive image of the court while enhancing public trust and confidence in the judicial system.

### ***Recommendation 24.***

**The Chief Judge should create a Judicial Facilities Committee. Members of the committee should include the Chief Judge or designee, the Chief Registrar, representatives of the Bar, representatives of the Attorney General's Office, and a representative of the executive branch. Other persons should participate as needed. The committee should meet on a regular basis (monthly) to discuss all issues relating to the maintenance and upkeep of court facilities and should continue, as needed, to monitor the on-going planning and design of the new facility.**

*Recommendation 25.*

The FCT Abuja High Court of Justice should establish a manager level position entrusted with the responsibility for overseeing all court facilities, security, maintenance, and cleaning. The individual should report directly to the Director of Management Services and should attend the monthly facilities meeting.

*Recommendation 26.*

The FCT Abuja High Court of Justice should attend to basic cleaning and simple maintenance matters such as changing light bulbs, replacing broken windows, and repairing air conditioning units to improve the atmosphere for employees and members of the public.

*Recommendation 27.*

As a basic customer service, the FCT Abuja High Court of Justice should review and improve the signage throughout the courthouse to enable citizens to locate the offices and other facilities more easily.

*Recommendation 28.*

As the planning, design, and construction of a new courthouse continue, the FCT Abuja High Court of Justice should ensure that the main registry (intake services) area in the new facilities is spacious, with ample seating for customers who come there for services.

## **I. Case Processing and Records Management**

In a democracy, courts strive for the lofty goals of justice, fairness, and equality, but the tangible product of a court system and the the judicial process is the records of proceedings, decisions, orders, and judgments. Court records include indices, dockets, registers of court actions, and case files maintained for the purposes of inquiry into the existence, nature, and history of disputes and other matters resolved in courts. Therefore, a good record keeping system is in fact at the heart of a court's credibility and integrity. A court must have the ability to find and produce case files, that contain all of the relevant information from prior proceedings, in a timely manner. Further, the court must know the status of all pending cases.

This section addresses operational procedures for case processing and records management. Section J addresses physical aspects of records management.

### **1. Work Flow**

There is a critical need to examine the flow of work in the FCT Abuja High Court of Justice, from when a case is filed to when it is assigned to a judge for case management and adjudication, in order to determine where there is redundancy and unnecessary waste in the process. Using the civil case as an example, a typical matter is initiated in the process unit by the filing of a writ of summons and statement of claims. When review is completed as described in 2 below, the individual is sent off to the cashier's unit for assessment and payment of fees. After review, the file goes to the Chief Judge for assignment to individual judges. Thus, the files are completed for hearing before they are sent to the Chief Judge for assignment. The review process also facilitates a decision very early in the process as to whether a case should be dropped administratively for lack of prosecution.

After assignment, the file is then returned to the litigation department for dispatch to the appropriate judge and courtroom. It is here that personal service is effected on opposing parties. The defendant enters pleadings and/or memorandum of appearance, dealing directly with the registrar of the judge assigned to the case. Attorney and litigants are not routinely notified of judge assignment. They must come to the courthouse to find out the status of their case.

One cause of delay in case processing and scheduling is the burdensome task of coordinating work processes (from case filing to disposition) between the Wuse main complex and the other two extensions. Presently, the Kubwa and Kwali extensions do not perform intake services and other statutory duties because they are not bona-fide judicial divisions.

***Recommendation 29.***

**To improve case processing and record keeping, the FCT Abuja High Court of Justice should consider not assigning cases to individual judges until service of process is effected and pleadings and/or appearance are entered.**

***Recommendation 30.***

**The FCT Abuja High Court of Justice should consider creating one or two judicial divisions in Kubwa and/or Kwali. This would reduce delay by improving case intake and processing.**

## **2. Case Processing Procedures**

Every step in case processing results in a record keeping activity. These steps include creating a record or file, maintaining (updating, retrieving, or reviewing) a record, or disposing of a record. These record keeping activities occur through the four phases in the life cycle of a court case. Organizing case processing procedure and caseflow management around the four phases builds efficiency and rationality into the system. In view of the court's plans to move to automation, carefully defining and documenting case processing procedures now will simplify the systems analysis which must precede this move.

The four case processing phases are:

- Phase 1. Case initiation**
- Phase 2. Maintenance of active cases**
- Phase 3. Case disposition and closing**
- Phase 4. Post-adjudication activities.**

The following describes each phase of the case processing procedure, records keeping and records management considerations, and the implications for the FCT Abuja High Court of Justice.

### **Phase 1: Case Initiation.**

Case initiation procedures define the steps necessary to open a court case, create the records to support the case, and establish control over the case so that it can be properly tracked and managed. Upon receipt by the court, the case must first be subjected to a vetting process including quality review to ensure that it meets the requirements of the rules, is properly signed, and is filed in the correct court. A similar procedure already exists in the FCT Abuja High Court of Justice. Traditionally, the litigation department performs this review. Rejected cases should be returned to

the filing party with a clear explanation and possible actions that could be taken to redeem the case. A form letter is often used for this purpose. Once accepted, the matter is assigned a case number, the index card is prepared, and the docket sheet (also called a case action summary or register of actions) is initiated. The complaint and all subsequent documents should be stamped with the date of receipt. Often, the filing party submits copies in addition to the original. They may be used for the filer's records or for service on the defendant. The copies should be authenticated as true copies of the original and also stamped as to the date received.

**(1) Establishing a case numbering system:**

The court case number gives each case a unique identifier and indicates where a case is filed relative to other files in the series. For instance, if there are 1,000 civil cases filed annually in a given court, the case numbered 500 was probably filed about mid-year and those in the high 900s towards the end of the year. The FCT Abuja High Court of Justice presently divides the caseload into Civil, Criminal, Appeal, and Probate. In order to improve case processing and access to files, the NCSC team recommends that the case number be constructed with four elements as described below.

***Recommendation 31.***

**The FCT Abuja High Court of Justice should consider implementing a case numbering system to facilitate ease of reference and letter file management. The numbering system should contain the elements that identify the court, case type, sequential case number, and year.**

**(2) Constructing the Case Number**

Table 4 illustrates the recommended construction of a case number for the 342th civil case filed in Wuse in 2001. The case number would be written **W-CV-324-01**.

**Table 4 – Constructing the Case Number**

[Court]	W = for cases filed in Wuse
	K = for cases filed in Kubwa
	L = for cases filed in Kwali
[Case type]	CV = civil case
[Sequence]	324 = 324th case filed this year
[Year]	01 = year the case was filed

Suitable codes should be developed for criminal (such as CR) and family (such as FM) cases. Other breakdowns of specific subject matters, in each case types, would also be appropriate, such as MR and marriage and PR for probate. These should be broad categories and not a listing of individual crimes.

By using this system, the case number itself conveys a considerable amount of management information. In manually assigning case numbers, use of a case number assignment log ensures that a number is only used once and that no numbers in the sequence are skipped. In an automated system, the computer normally assigns the case number when a new case is established. An alternative for assigning case numbers is to use pre-numbered case file folders.

The case number should be made known to all case parties at the time of filing or by some other means, such as a postcard, as soon as possible. In future dealings on the case, the court should encourage the parties to use the case number to avoid the need for searching the alphabetic index (see index cards in [4] below) to locate the case.

### (3) File Stamping Documents.

When the litigation department accepts and file stamps documents, a significant event has occurred. This act represents official acceptance of the matter by the court and, in the case of criminal complaints, commencement of the action. It is not generally necessary to indicate the time of day on the stamp.

Suggested guidelines for quality control include the following:

- Before file stamping, ensure the document is complete and signed or notarized if applicable.
- Ensure that appropriate fees have been paid prior to file stamping.
- File stamp only the first page of each document in a consistent location and in a clear area.
- Do not file stamp any documents that don't require it, such as duplicates, exhibits, envelopes, and notes.

#### *Recommendation 32.*

**The FCT Abuja High Court of Justice should document and consistently follow the file stamping procedure.**

### (4) Preparing Index, Case Action Summary, and Calendar Cards

In order to improve the tracking and processing of cases in the FCT Abuja High Court of Justice, employees in the Office of the Registrar must make better use of index, case action summary, and calendar cards. These are constructed in a multi-part forms packet, allowing the information on the index card area to be typed only once. An alternative is to use properly aligned and patterned carbon paper.

In civil matters there are normally two index cards, one for the first named plaintiff and one for the first named defendant. In multi party cases, additional cards can be prepared as an option. The plaintiff and defendant index cards can be maintained in separate files or integrated into a single index card file. When combined, they are usually printed on different colors of card stock. An index card system, as opposed to index books, is the only way to maintain a true alphabetical system in a manual setting. A computerized index is the ultimate answer. Once widespread automation is a reality in the FCT Abuja High Court of Justice, the index cards can provide the data for loading into the system.

The case action summary improves the tracking actions in a case. It is designed to be maintained in case number order either in an open-top bin or a three-ring binder. Appendix D contains a sample Case Action Summary card.

***Recommendation 33.***

The FCT Abuja High Court of Justice should prepare a case action summary after case filing, and update it as the case progresses through the court process. The court should also consider any changes in procedures required to implement these tools.

***Recommendation 34.***

All documents that flow through the Litigation Department should be file stamped and annotated on the case action summary prior to going to the judge for inclusion in the case file.

Before this system is implemented, intricate details of coordination need to be worked out so feasible procedures can be developed. For instance, the scheduling and results of hearings should be noted on the Case Action Summary. One question is how this information would be transmitted to the Litigation Department. Normally, the mechanism would be a document created at the time of the action in court or in the chambers.

The calendar card is the key to effective active case management. The FCT Abuja High Court of Justice has a strong tradition of individual calendaring whereby all cases are assigned to a specific judge. The judge maintains the case jacket and receives all subsequent documents in chambers during the active life of the case. There is nothing wrong with an individual calendaring system as long as it brings along strong judicial control over the cases. In such a system, the judge and his or her staff maintain the cards and actively manage all assigned cases. Calendar cards need to be maintained in a file by the next action date. There are different ways to set up the calendar card file depending on the case type being monitored (e.g., civil, criminal, or family).

The caseflow management concept that is working well in many courts requires that every case file indicate the date for the next action or hearing. This concept recognizes that the next action in a case is not always a hearing or trial. It may be the date the answer from the defendant is due or some other event. The case may be in a state of limbo, waiting for something to occur, such as settlement negotiation. The court must be proactive in ensuring that cases progress. A review date is therefore assigned 30, 45, or 60 days in the future depending on the nature of the event of the case. On that date, the matter is checked into and either a hearing date is set, a new review date is established, or the case is dismissed for lack of prosecution.

**(5) Case File Folders**

The folder recommended below makes it easier to review documents and increases efficiency in removing documents for photocopying and then replacing them in the file. It also facilitates other file management tasks, such as filing subsequent documents created during the post-adjudication phase of the case.

***Recommendation 35:***

The FCT Abuja High Court of Justice should explore the use of a standard file folder with a two-pronged file fastener.

**Phase 2: Maintenance of Active Cases**

There is no clear division as to when Phase 1 (Case Initiation) ends and Phase 2 begins, since the initial records and case maintenance/monitoring tasks are established early in the life of a court case. In the individual calendaring system, each judge is responsible for his or her caseload and can influence the pace of litigation in individual cases.

***Recommendation 36:***

**The FCT Abuja High Court of Justice should consider how a more formalized Differentiated Case Management system, as an extension of the logical choice now made in managing the workload, can be developed and implemented to improve case screening, processing, and management.**

**(1) Monitoring**

The case monitoring events vary depending on the nature of the case. In civil cases, the defendant has the right to file an answer to the complaint, and civil defendants often include counterclaims. A case is not considered ready for assignment and hearing until the answer is filed. If the defendant refuses to answer and it can be proven that proper service was made, the plaintiff can normally move for a default judgment.

Following all hearing, trial, and other case events the office of the Director of Litigation should be notified so that an entry can be made on the Case Action Summary. Developing and maintaining such a system will enable the establishment of a true chronological case history for every case. It will also enable a determination of the status of every case at all times. The orders and other documents that result from court hearings need to be completed, signed if applicable, and annotated on the Case Action Summary. The calendar card is retired when cases are disposed and updated with the court proceeding or review indicated and next action date if not disposed. The calendar card is then filed under the next action date. This process is repeated until the case is disposed.

***Recommendation 37:***

**The FCT Abuja High Court of Justice should develop a case monitoring and control system based on the use of the calendar card.**

**(2) Developing the Calendar**

The calendar is developed from two sources of information, the judge's diary and the calendar cards. On days when court should be in session, a calendar needs to be developed for use by the judge and the Court staff. The calendar needs to list court events that will occur in open court and should also be posted in a public area of the court's facility. Since the public is admitted to most court hearings, this mechanism enhances good public relations and open communication. Appendix E contains a sample Calendar Worksheet.

The calendars are initiated up to two weeks in advance. After review of judicial diary entries and calendar cards, the judge initially pencils in the calendar items, since things might change prior to the court dates. Calendars should be finalized two to three days in advance. If there are changes after the calendar is posted, they should be written in on the copy posted for public display and chambers copies.

**Phase 3: Case Disposition and Closing**

Court cases are disposed in various ways including rendering of a judgment, sentencing in criminal cases, or dismissal. It must be clear in the records and to all parties that the case is disposed and what constitutes disposition. In the FCT Abuja High Court of Justice, there are guidelines for the events that must occur at case disposition, including preparation of the orders and arrangement of the documents in the case file. Once the file is turned back to the Litigation Department, that office also has certain routines to follow. At present, the file is sometimes reviewed for updating. If the court adopts the recommendation for the use of a Case Action Summary, this procedure should be modified since most of the entries will have already been made on the form.

Following these closing procedures, the Litigation Department is responsible for safe keeping of the files and making them available for review by the public or interested government agencies. Safe keeping of the files also facilitates post adjudication actions including appeals and execution of judgments.

***Recommendation 38.***

**The FCT Abuja High Court of Justice should develop and document modified case closing procedures based on the use of a Case Action Summary that is updated as documents are received and events occur during the active life of the case.**

**Phase 4: Post Adjudication Activity**

The event of a court case closing is often not the last. Disputes are not fully resolved until the post disposition matters are satisfied. There are many post disposition events that can occur. These vary among the different case types. Possible post disposition events include:

- Execute the case disposition order
  - Criminal: Process sentencing documents  
Post conviction relief (reconsideration of the sentence)
  - Civil: Process judgment  
Process satisfaction of judgment  
Facilitate execution of judgment
  - Family: Process documents and distribute to parties and or agencies involved in the matter
- Process appeals
- Process motions to reactive case (return to phase 2)
- Return or destroy exhibits which the court may have retained
- Receive and process payments (fines, court costs, restitution)
- Transfer file to local court archives at the end of the year

In order to be truly responsive to the citizens and agencies that rely on the court, the court must have the mechanisms to manage and carry out all of these post disposition responsibilities.

**J. Physical Records Management Procedures**

One of the salient features of a well-designed court facility is its provision for records management, both active and archival. Court records can affect the rights of individuals and organizations for generations to come. Therefore, their appropriate protection and preservation is

vital. Inaccuracy, obscurity, loss of court records, or untimely availability seriously compromises the Court's integrity and subverts the judicial process<sup>7</sup>.

Similarly the absence of an emergency management and disaster recovery plan is a serious shortfall that undermines the integrity of the courts. Fire, flood, and vandalism have caused the loss of thousands of court records in various parts of Nigeria. In the FCT Abuja High Court of Justice, thousands of court records were recently lost to an alleged electrical fire that consumed nearly two courtrooms in one of the courthouses. In addition, other court records have been severely damaged due to neglect, poor management, and lack of preservation.

***Recommendation 39.***

**The FCT Abuja High Court of Justice should implement a full range of modern records management practices. This includes reorganizing existing file storage areas, developing new case jackets, using open shelving and file cabinets to store and preserve records with legal and historic value, and discarding those records which lose their value over time.**

***Recommendation 40.***

**The FCT Abuja High Court of Justice should develop and implement a plan for emergency management and disaster recovery.**

### **III. COURT POLICIES AND RULES OF PROCEDURE**

Although they have served the FCT Abuja High Court of Justice well for many years, the federal and state rules of civil procedures and some court policies hinder the timely disposition of cases in the court. This is due not only to the increased number of case filings, but also to the growing backlog of cases in the court. Simply stated, in order to expedite the timely disposition of cases in the FCT Abuja High Court of Justice, certain rules of procedure need to be revised and updated. To accomplish this, the court should form a Rules Revision Committee and give the committee the charge to review and propose rule revision for both civil and criminal case processing.

#### **A. Relationship between Policies/Procedures and Court Delay**

Since the rules of civil and criminal procedure contribute to delay in the FCT Abuja High Court of Justice, the Chief Judge must make a concerted effort to change those rules that slow the court or impede effective and efficient caseflow to disposition. Rule changes such as prohibiting the use of documents at trial that are not filed at pre-trial, defining who can effect service, redefining information required in pleadings, amending pleadings only once before trial, setting new time limits on summons, increasing the powers of the Office of the Registrar, limiting interlocutory appeals, limiting adjournments to two requests, specifying and enforcing time limits on oral arguments to 20 minutes, and controlling ex-parte contact are significant improvements the FCT Abuja High Court of Justice must adopt.

#### **B. Policies and Procedures**

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<sup>7</sup>Trial Court Performance Standards, Standard 3.6.

The FCT Abuja High Court of Justice must continue to review and revise its policies and procedures regarding civil and criminal cases. In the Lagos High Court of Justice, with the assistance of the Nigerian Institute for Advanced Legal Studies, amendments and revisions have been proposed to the civil procedure rules. These changes, which are listed under Lagos, will significantly contribute to reducing the backlog of cases the court is experiencing

***Recommendation 41.***

**The FCT Abuja High Court of Justice should review and revise the rules of civil and criminal procedure governing court proceedings.**

**C. Need for Support**

In order to make these important changes, the Chief Judge of the FCT Abuja High Court of Justice must actively involve other judges, high-ranking members of the Bar, prosecutors, police, corrections officials, and others involved in improving the judiciary. Without their involvement and support, revisions to the court's rules of civil and criminal procedures will not occur. It is especially important to involve the Office of the Minister of Justice and members of the Bar in procedural changes. These professionals know the problems the court faces in reducing delay and expediting caseload. They are also most familiar with the many barriers the court faces when it tries to implement change. With the involvement of the Bar, Bar leadership can help the court train attorneys to better understand the benefits of the rules revisions and the need to improve caseload.

**IV. OTHER ISSUES**

There are many other issues facing the FCT Abuja High Court of Justice besides improving caseload, calendar management, and other operations. For continuous improvement of a justice system, the leadership of any court, starting with the Chief Judge, must be involved in a proactive strategic planning process. This requires looking at the workflow, developing and participating in process re-engineering, planning for technology, and involving the members of the Bar association, forming a partnership with them to help them improve the entire system of justice. The FCT Abuja High Court of Justice would benefit from initiatives for improvement in the following areas.

**A. Strategic Planning for the Court**

The FCT Abuja High Court of Justice must participate in a planning process that will re-define the mission, vision, goals, and objectives of the court. In order to accomplish this, the Chief Judge must assume a strong leadership role. All judges and a representative group of court officials must be invited to participate. Once the leadership of the court has convened, they should hold a session to determine the problems that affect the court system. The next step is to categorize and prioritize problems. With this information at hand, the Chief Judge should form and chair a new Strategic Planning Council and involve the group in formulating a strategic plan that will guide the court over the next several years.

***Recommendation 42.***

**The Chief Judge and other judges should undertake planning exercises to identify problems and to set forth the mission, vision, goals, and objectives of the FCT Abuja High Court of Justice, as well as to implement the recommendations in this report.**

## **B. Process Re-engineering**

Process re-engineering is a method for documenting, examining, and improving each step in the business process of a court. It is one of the most inexpensive methods to improve workflow and increase service to the customers of the court. Re-engineering of court operations Re-engineering of operations will be essential given the plans of the FCT Abuja High Court of Justice to expand on existing automation or implementing a new computer case processing system.

Process re-engineering in the FCT Abuja High Court of Justice will take a great deal of effort. This type of initiative should be led by the Chief Registrar and involve all court staff in each section. In order to start the process, the Chief Registrar should appoint a review committee in each section of the Registrar's Office. Committee membership should include all classifications of employees. In particular, it must include those employees who do the work since they know their jobs the best and usually have good ideas on how to improve the process. Once the committee has been formed, its members must be trained regarding why they are examining their business process and operations and how they are going to accomplish documenting, improving and, most important, implementing the process.

### ***Recommendation 43.***

**The Chief Registrar should begin process re-engineering of court operations to improve the workflow and business procedures in the FCT Abuja High Court of Justice. Process re-engineering should incrementally involve all operations in the Court.**

## **C. Role of Technology**

There has been a great deal written about the role of technology in courts and how it can help judges and court staff not only in facilitating the timely disposition of cases, but also in controlling calendars and in financial management. The role of technology is integral to the future success of the FCT Abuja High Court of Justice. Besides electronic recordation equipment and new fax and copy machines, the FCT Abuja High Court of Justice should seek and introduce an automated case tracking system in which court staff members enter all the case information now posted by hand in registration books. Such an initiative is already planned.

The information now entered manually should be entered in a database software system that can not only perform the functions of the current registration books, but can also provide reports on the number, age, and status of cases filed, disposed, and pending.

### ***Recommendation 44.***

**The FCT Abuja High Court of Justice should seek funding from the Nigerian government for an automated case tracking in which court staff members enter all the case information now posted by hand in registration books.**

### ***Recommendation 45.***

**The FCT Abuja High Court of Justice should take steps to improve electronic communication among the all court's locations by purchasing newer fax machines, then by introducing electronic mail, and eventually by**

having electronic wide area networks and Internet service. Ultimately, this capacity eventually should extend to the magistrate courts as well.

*Recommendation 46.*

There should be more copy machines and fax machines in the FCT Abuja High Court of Justice and the appellate courts. The court should explore whether competitive bidding and public contracts with private vendors would provide such machines cost-effectively.

*Recommendation 47.*

The FCT Abuja High Court of Justice should consider providing its judges with laptop computers to take notes on the bench and to prepare draft decisions. Subsequently, consideration should be given to extending the use of laptop computers to appellate court judges as well, and then to judges in the magistrate court.

**D. Involvement of the Bar**

The Bar can be a powerful force in helping the court get what it needs not only to improve case flow, but also to improve operations including automation, facilities, and employee compensation. Moreover, the Bar can assist the court to enforce changes in policies and procedures as well as train attorneys in the importance of limiting adjournments, being on time to court, and increasing times for process of service.

Even though the Bar should be involved in activities that support court improvement, the court should not lose site of its independence and objectivity. It must be very clear from the beginning to the members of the Bar and other stakeholders in the judicial system that their participation and support involve them only in the continuous development of the court, not in judicial decisions regarding cases being heard by the court. It must be clear that assisting the court to improve the system of justice for the people of Nigeria does not compromise or sacrifice judicial independence.

**V. CAPITALIZING ON THE PAST AND MOVING FORWARD**

In the past, the Chief Judge, other judges, Chief Registrar, and court staff of the FCT Abuja High Court of Justice have accomplished much. Nevertheless, much remains to be done to improve the delivery of justice to the citizens of FCT Abuja, and confronting and solving problems in a positive manner is essential. This study provides the court's leadership and other staff with an objective view of their system as well as recommendations for change. Change can occur only through problem-solving and by working together as a team.

Despite past achievements, in light of the rising case filings and in order to improve court administration and caseload management, the court's leadership must make a commitment to change. A Strategic Planning Council comprised of the Chief Judge, other judges, and Chief Registrar must determine the court's vision, mission, goals, and objectives. This will provide the context for reviewing the court's organizational structure and improving the methods by which the court is keeping records, processing cases, and controlling the pace of litigation. Based on

projections of increased case filings, the court must work together as a team with appointed and elected officials and members of the Bar to promote legislation and/or change certain rules of civil and criminal procedure that govern case processing in the court. Without these changes, case processing and hearings will continue to be cumbersome, time consuming, and delayed by adjournments or interlocutory appeals. Moreover, the Chief Judge, other judges, and Chief Registrar must establish time standards and differentiate the amount of time, effort, and energy that is spent on cases. The court must also increase training opportunities for judges, attorneys, and court staff in a variety of areas. Problem-solving meetings must be held to identify barriers to effective communications and resolve issues that slow down the process of justice for the citizens of the state of Lagos.

Once this report is read and understood, in order to start the all-important process of change, the court must prioritize and implement the many recommendations *not requiring additional resources*. For those recommendations that require additional resources, the leadership of the court and its officials must work together to secure funding from the Nigerian government to carry them out.

## PART 4. – LAGOS

The NCSC team's review of the structure, processes, management, and operations of the FCT Abuja High Court of Justice began with a meeting with the Honorable Chief Justice M. L Uwais of the Nigerian Supreme Court, Muktar Muhammad Dodo, Chief Registrar of the Nigerian Supreme Court, Justice M.A. Ope Agbe, Administrator of the national Judicial Institute, and others holding key positions at the national level of the Nigerian judiciary. These meetings were informative and allowed the NCSC project team to learn, from the national perspective, some of the operational issues facing the judicial system, as well as the Chief Justice's strategic vision and direction for the trial courts operating throughout Nigeria. Additionally, the project team met with Hon. Justice C. O. Segun, Chief Judge of the Lagos High Court of Justice, Chief Registrar Mrs. J. O. Pedro, among others. These meetings produced lively discussions on the issues confronting the Lagos High Court of Justice and what it needs to accomplish in order to improve its system of justice.

Part 4 is organized as follows:

- I. Caseflow Management
- II. Court Structure, Management, and Operations
- III. Court Policies and Rules of Procedure
- IV. Other Issues
- V. Capitalizing on the Past and Moving Forward

### I. CASEFLOW MANAGEMENT

This section summarizes elements of the caseflow process, provides statistics on the High Court's caseload, documents the volume and effect of adjournments, analyzes various causes of delay, and presents recommendations to reduce delay and improve the caseflow management process.

#### A. Case Filing, Assignment, and Disposition

When a party to a civil action files a new case in the Lagos High Court of Justice, it must be initiated by filing it in the Registrar's Office. Once a civil action is filed and recorded and filing fees are paid, staff in this office place the case papers into a file jacket, where the case remains until all the appropriate papers come in.

Judges working in each division of the court are required to submit end of the month reports to the Office of the Registrar of the Lagos High Court of Justice. The Chief Registrar then compiles the monthly reports and publishes Quarterly Return reports, which itemize and track quarterly and annual statistics. Besides keeping track of civil and criminal cases filed, the Chief Registrar publishes numbers for cases disposed as well as cases pending for the Customary Courts, Magistrate Courts, and the Lagos High Court of Justice, and for cases sent to the Court of Appeals. Both monthly and Quarterly Return reports are then given to the Chief Judge for review and distribution.

#### *Recommendation 1:*

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**The Chief Judge and other judges of the Lagos High Court of Justice should use monthly statistical reports and Quarterly Return reports to monitor new filings and the pending caseload.**

**1. Case Filings**

In 2000, the Court of Ikeja and Lagos reported 10,066 new cases filed. Table 1 shows the distribution of cases by type and court division. The Ikeja division accounts for 48% of these filings and the Lagos division for 52%. The majority of cases (69%) were writ of summons. The next largest proportion (22%) was miscellaneous. Of the remainder, 5% were matrimonial and 2% were criminal, and there were small numbers of appeals, revenue matters, and reg. judgments.

During the same year, 6,352 cases were disposed, and by year's end a backlog of 23,197 total pending cases remained.

**Table 1: New Cases Filed in Ikeja & Lagos Courts in 2000**

Nature of Cases	Ikeja Division	Lagos Division	Total Cases
Writ of Summons	3,254	3,721	6,975
Miscellaneous	1,230	1,000	2,230
Matrimonial Causes	256	217	473
Revenue Matters	0	75	75
Appeals	5	22	27
Criminal Matters	137	88	225
Reg. Judgments	0	61	61
<b>Totals</b>	<b>4,882</b>	<b>5,184</b>	<b>10,066</b>

Figure 1 shows actual and projected filings for the Lagos and Ikeja Courts from 1996 through 2005. Case filing data was not available for 1996, so Figure 1 shows an estimate for that year based on the growth rates and statistics provided for 1997 through 2000. This provides a broader base for interpreting the trends in case filing data. From 1997 to 1998, the number of cases filed increased from 8,158 to 8,922, which represents a growth rate of 9%. Over the next year, the growth rate was 14%, with new cases rising from 8,922 in 1998 to 10,226 in 1999. There was a slight decrease (1.5% decline) to 10,066 cases in 2000. Overall, there was an average annual increase of 7% in case filings. At this current rate of growth, the Ikeja and Lagos Judicial Divisions will docket 14,117 cases by 2005.

Figure 1

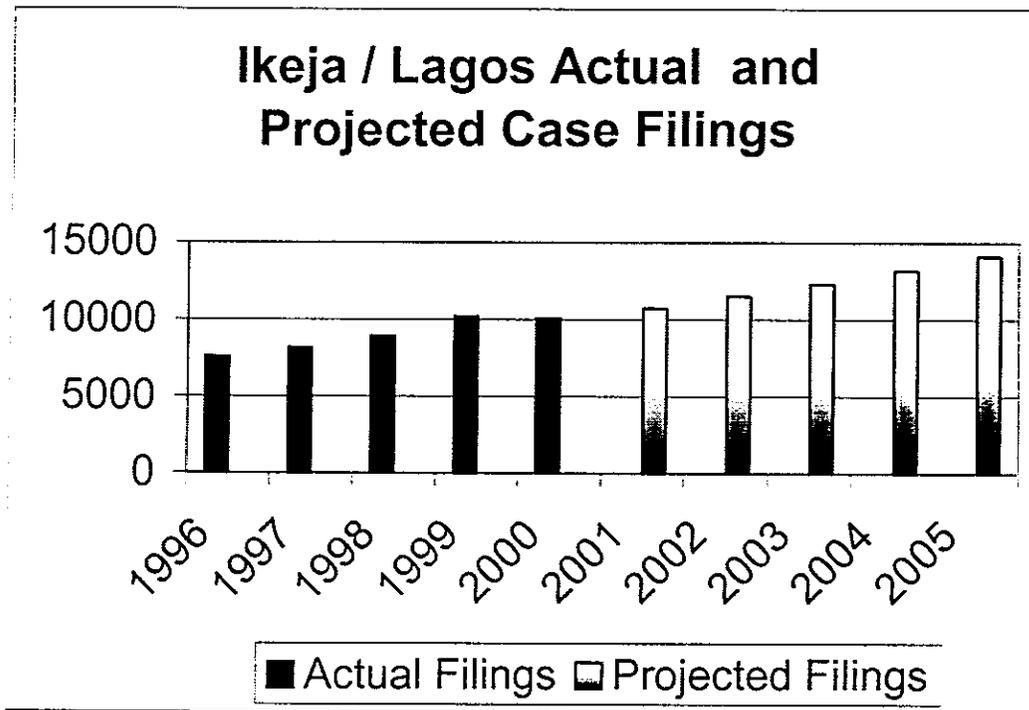


Table 2: Ikeja and Lagos Civil/Criminal Case Filing & Projections

Calendar Year	Actual/Projected Filings
1996-97	7,573
1997-98	8,158
1998-99	8,922
1999-00	10,226
2000-01	10,066
2001-02	10,770
2002-03	11,524
2003-04	13,194
2004-05	14,117

The NCSC team sampled the actual and projected case filings above from one average court (division) of the Lagos High Court of Justice. In order to provide anonymity to members of that court, referred to as the Lagos Sample Court, this report does not identify the court.

## 2. Case Assignment

Once cases are initiated, the required papers are filed, and the Registrar's Offices in Lagos and Ikeja review the cases, the cases go to the Chief Judge who reviews and assigns them to judges on a rotating basis. Depending on the complexity and degree of

visibility of each case, the Chief Judge gives some consideration to a judge's legal expertise and availability before assignment. Since judges manage their individual calendars by various methods, backlogs may differ, and cases vary in complexity, the Chief Judge may assign another judge (out of normal rotation) to hear the case. Once the case is assigned to a courtroom or division, the principal registrar in the division is responsible for checking if answers have been filed, ensuring service is completed, accepting motions, and setting the case on the judge's calendar.

In essence, in the Lagos High Court of Justice once a case is filed, perfected, and assigned to a judge, it is the principal registrar and the rest of the judge's staff that is responsible for getting the case ready to be heard in court and to disposition.

One problem the Lagos High Court of Justice faces regarding case assignment is that when a judge is elevated to a higher court, attorneys and their parties are either assigned to another judge, who starts the case over, or they simply file the cases again. This practice leads to duplication of effort on the part of the Lagos High Court of Justice and slows down case processing. In most courts throughout the world, when a judge ascends to a higher bench, he/she either completes the cases assigned to him/her or transfers the case to another judge. If the cases are transferred, the new judge does not start the case over, but rather learns the status of the case and continues to hear it from the point of last hearing that was held before the former judge. By adhering to this practice, when a judge ascends to a higher court, the Lagos High Court of Justice would save a great deal of time processing cases and save litigants the costs of hearing cases over and over.

***Recommendation 2:***

**The Lagos High Court of Justice should review and change its policy and procedures on reassignment and refiling of a judge's cases when a judge ascends to a higher court. This policy should allow the newly assigned judge to continue to hear the case without requiring attorneys to re-file it.**

### **3. Case Dispositions**

Quickly disposing of cases in a just, effective, and efficient manner is the primary goal of any effective and efficient caseflow management system. A proper system of caseflow management cannot be established by the work of a few judges in a court. It takes the effort and commitment of the entire bench to demonstrate that the court is serious about the timely disposition of cases. Further, it takes the work and commitment of the judges' and Chief Registrar's staff to demonstrate that their primary job responsibility is the timely disposition of cases by the court.

Judges working in the Lagos High Court of Justice hear motions on cases on a regular basis. Depending on the number of pending cases, most judges hold motion hearings weekly or bi-weekly. Cases are disposed by judgment of the court, and non-appearance of attorneys causes many delays. This being the case, the Chief Judge and other judges working in the Lagos High Court of Justice must realize that (a) as urged by

the judge, attorneys settle cases, (b) when they are expected by the judge to appear in court prepared, attorneys are more apt to settle cases, and (c) when significant events and reasonable timelines are agreed upon, attorneys will prepare for those significant events.

The Lagos Sample Court provided the NCSC team with a detailed listing of case dispositions by case type in 2000. Figure 2 shows the breakdown of 67 civil cases. Of these, well over half (61%) were struck out<sup>1</sup>. The next largest proportion (19.5%) constituted dismissals/discontinued cases. Of the remaining cases, 10.5% were settled by agreement, judgment was entered in 6%, and 3% were withdrawn.

**Figure 2 – Lagos Sample Court Disposition of Civil Cases in 2000**

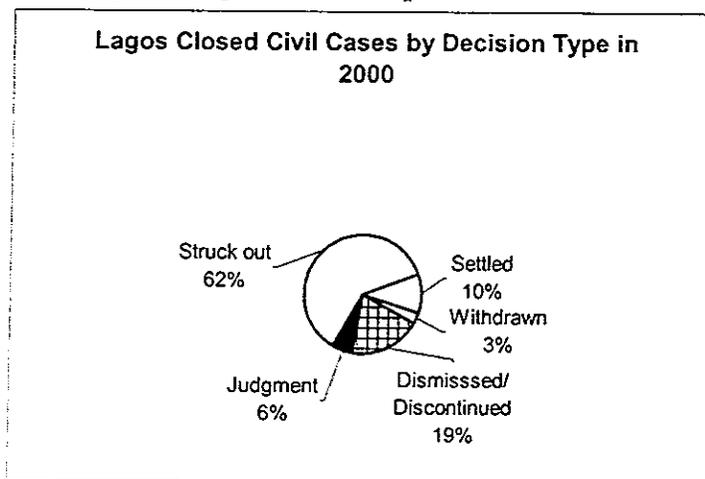
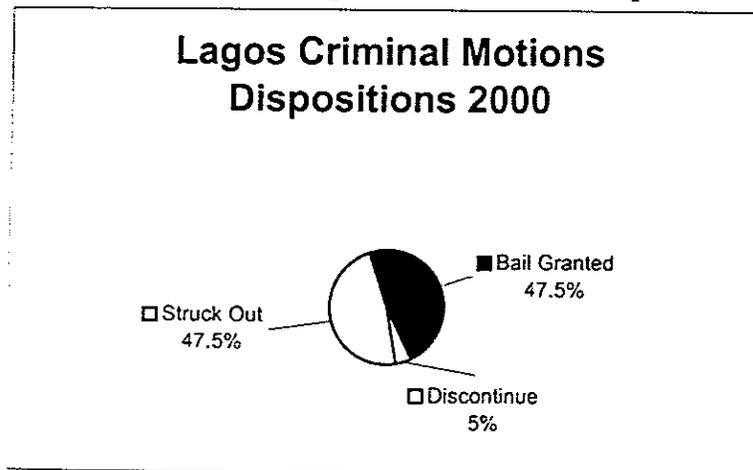


Figure 3 shows motion dispositions in the sample court in 2000. Of 44 motions disposed, almost half (47.5%) were struck out, and an equal portion were bail granted/denied. The remaining 5% were discontinued.

**Figure 3 – Lagos Sample Court Motions Disposition in 2000**



<sup>1</sup> Cases “struck out” by the judges are closed and returned to the Registrar’s Office. However, either party to the action may return and motion the court to re-open the case without having to open a new case.

Figure 4 shows the disposition of a sample of 10 criminal cases by the Lagos Sample Court in 2000. Of these, 40% were struck out, 20% were acquitted, 20% were discharged or withdrawn, 10% were life sentences, and 10% were death sentences.

**Figure 4 – Lagos Sample Court Criminal Case Disposition in 2000**

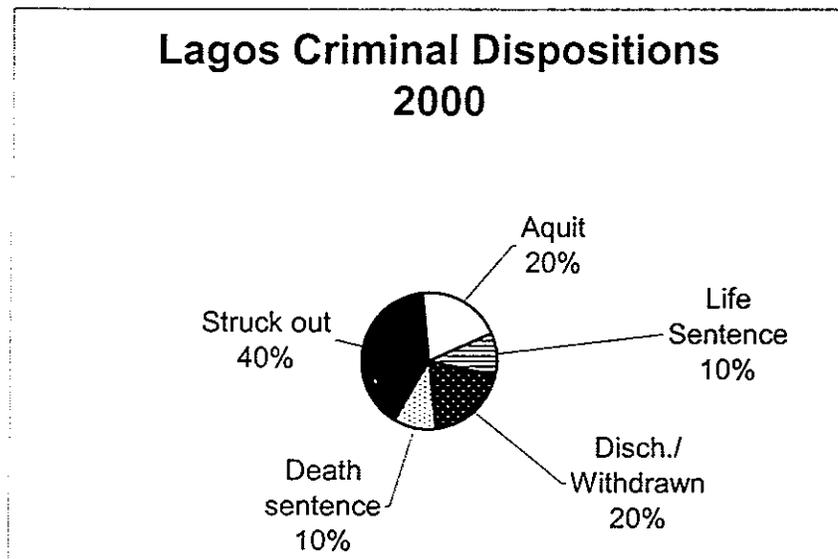


Figure 5 shows case filings and dispositions in the Ikeja and Lagos courts. For 1999, it includes disposition data for only 15 courts in Ikeja and 10 courts in Lagos.

Case dispositions have decreased during the last four calendar years, causing the pending workload to increase significantly. The clearance rate (the number of dispositions divided by the number of filings) dropped from 97% in 1997 and 95% in 1998 to 63% in 2000.

**Figure 5 – Filings and Dispositions for Ikeja and Lagos Courts**

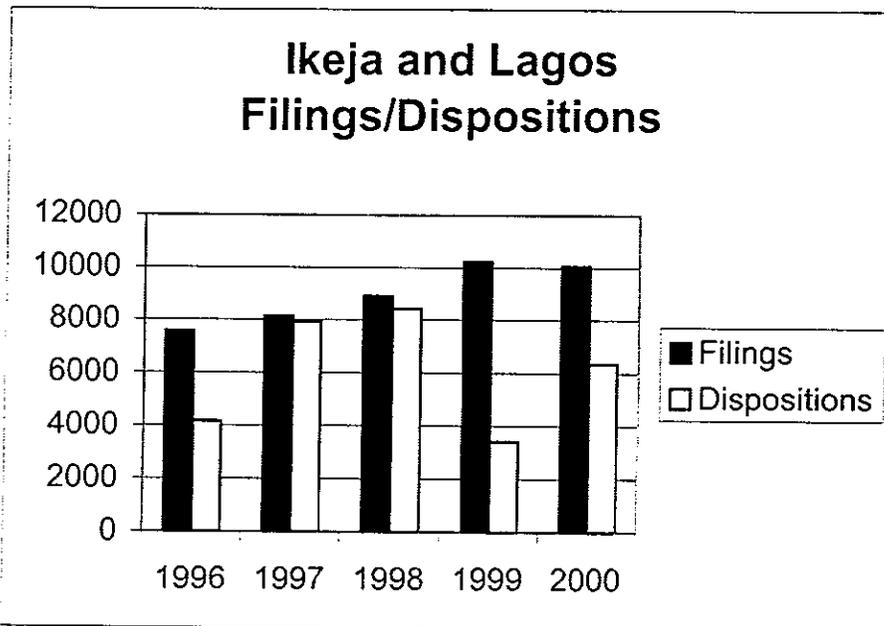
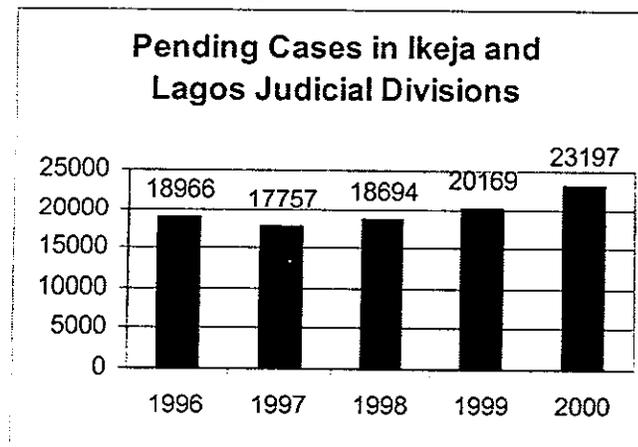


Figure 6 shows pending cases from 1996 to 2000. These cases have fluctuated but show an average growth rate of 9% per year over the last four years. Alternative methods of case resolution and disposition may ease some of this burden. See Section E entitled Other Issues below.

Figure 6 – Pending Cases - All Judicial Divisions



### B. Adjournments and Case Disposition Time

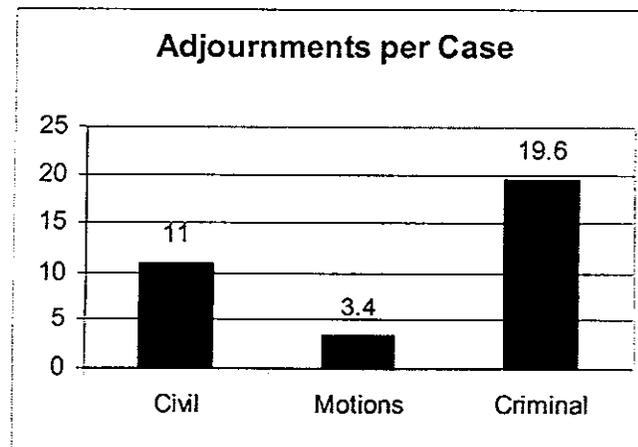
To ensure that cases will progress and be properly managed, judges in the Lagos High Court of Justice must agree upon, adhere to, and continually articulate a clear adjournment (continuance) policy. If the court has established case processing goals and time standards regarding the age of pending cases, the court can then rely on its adjournment policy to assist them in meeting those goals. However, even the most effective adjournment policy, in and of itself, will not rule out all continuances. Keeping

adjournments to a minimum requires firm adherence to and enforcement of standards, under which adjournments are granted only when good cause is shown and requests for adjournments are in writing<sup>2</sup> and previously approved by the parties.

An adjournment obviously means a delay in a case's conclusion. In the broader context of caseflow management, however, a court's adjournment policy and adjournment leniency by judges also affect attorneys' other case participants' views of the court's commitment to caseflow management and timely disposition of cases.<sup>3</sup>

Figure 7 shows adjournments by case type in the Lagos Sample Court in 2000. It clearly illustrates that reducing the number of adjournments allowed will expedite cases through the courts. This court recorded 710 adjournments on 67 civil cases disposed of during 2000. The number of adjournments per case ranged from 1 to 82, with an average of 11. These cases averaged 108 days from filing to commencement and 966 days from filing to disposition. For 10 sampled criminal cases disposed in 2000, there were 196 adjournments recorded, with an average of 19.6 per case. These cases averaged 866 days from filing to disposition. On 44 motion cases, there were 149 adjournments. The adjournments per case ranged from one to eight, with an average of 3.4. Motions cases averaged 32 days from filing to commencement and 137 days from filing to disposition.

Figure 7 – Lagos Sample Court Adjournments in 2000



In the opinion of the NCSC project team, adjournments are one of the primary reasons for delay in the disposition of cases in the Lagos High Court of Justice. Therefore, to ensure the progress of a case from filing to disposition to post judgment activity, all judges of the Lagos High Court of Justice must agree upon and enforce a strict policy on adjournments.

<sup>2</sup> American bar Association, Standards Relating to Trial Courts, 1992 Edition, Section 2.55.

<sup>3</sup> Steelman C. David, et al, Caseflow Management – The Heart of Court Management in the New Millennium, National Center for State Courts, 2000, pg 116.

***Recommendation 3:***

The Chief Judge and other judges of the Lagos High Court of Justice should develop, publish, and enforce a firm court policy on adjournments. The policy should reduce the number of adjournments, without documented good cause, to two adjournments per party.

***Recommendation 4:***

The judges of the Lagos High Court of Justice should actively discourage rescheduling of cases. They should promote case preparation before hearing by creating the expectation among parties and advocates that the Court will *deny* any rescheduling request in all but the most unusual circumstances.

**1. Relationship between Adjournments and Delay**

Based on interviews with Lagos High Court of Justice judges, court officials, and representatives from public agencies and the Bar, combined with analysis of selected cases, it is the opinion of the NCSC that the growing number of adjournments in the Lagos High Court of Justice results from two factors. These are the legal culture and the constraints of the federal and state rules of civil and criminal procedure.

For various reasons, attorneys either do not appear on the day and at the time their case is to be heard, or they appear and request an adjournment. Interviews of attorneys indicate that the local legal culture accepts delays in proceedings as a way of doing business. In other words, some attorneys come to court unprepared and believe that the judge will give them another adjournment without question. This leaves the judges of the Lagos High Court of Justice in an awkward position, since there are too few and ineffective sanctions to discipline an attorney who doesn't come to court or is not prepared. In terms of procedural constraints, other attorneys will use the law on interlocutory appeals as an adjournment tactic. Overall, adjournments are a major contributor to the delay problem.

***Recommendation 5:***

The Chief Registrar's staff should count how often, why, and by whom hearings are rescheduled in criminal and civil cases. This information should be used to prepare monthly reports to the Chief Judge and regularly shared with other judges and the President of the Bar Association.

***Recommendation 6:***

Judges of the Lagos High Court of Justice should regularly impose and report to the Chief Judge sanctions that they have imposed on attorneys for being late or unprepared, or for non-appearance. The court should share a monthly report of such sanctions with members of the Bar.

### **C. Strategies for Reducing Delays in Caseflow**

There are many strategies used by court systems to reduce delays in caseflow. Some courts use strict timelines and differentiated case management techniques (see Section E below). To limit the unnecessary adjournments described in B above, some court use local rules to require attorney to come at the exact time and on the date a case is set, while other courts use sanctions and discipline committee to make attorneys follow court rules or established practice standards. Whatever methods are chosen, the Lagos High Court of Justice must reduce the delay judges are experiencing. Otherwise, the backlog of cases will eventually create such unbearable delay for all parties concerned that the legal system will falter and become ineffectual.

#### ***Recommendation 7:***

**The Lagos High Court of Justice should designate a Assistant Registrar to more closely supervise delays and improve in the service of process and delays in the forwarding of case records on appeal from appellate, customary, and magistrate courts. This individual should report monthly to the Chief Judge and the Chief Registrar on his or her performance in reducing delays at these stages of the case process.**

#### ***Recommendation 8:***

**The Lagos High Court of Justice should establish reasonable standards for the prompt disposition of its criminal and civil cases.**

#### ***Recommendation 9:***

**The Lagos High Court of Justice should adopt policies and practices permitting its judges to make more efficient use of their time each workweek. Judges should take the bench as early as possible in the morning and hear cases as late as possible in the afternoon as their case research requirements and other judicial responsibilities permit.**

#### ***Recommendation 10:***

**The Lagos High Court of Justice should reduce the size and age of the pending civil and criminal case inventory by at least 20 percent higher than the total number of newly filed cases each year.**

#### ***Recommendation 11:***

**The Lagos High Court of Justice should establish a goal to reduce the inventory of pending cases to no more than the number of cases that can be disposed within standards that the court has established for the prompt disposition of all its cases.**

#### ***Recommendation 12:***

**In counting and reporting its caseload, the Lagos High Court of Justice should reflect statistics on a calendar year basis. The court should distinguish new filings from pending cases held over from prior years. The court's quarterly and annual reports should show dispositions as a percentage of new filings, and not as a percentage of all cases pending and filed each year.**

***Recommendation 13:***

**The Lagos High Court of Justice should define "backlog" cases as those pending beyond time standards, and it should dedicate resources and give special management attention to the disposition of those cases.**

#### **D. Recordation of Court Proceedings**

Although recordation of court proceedings is fully addressed by another task in NCSC's contract with USAID, it is important in the context of this report because current recordation practices contribute to delay. In the Nigeria project, it must be stated in this report that the manual (hand written) methods judges of the Lagos High Court of Justice use to record notes and to prepare verbatim transcripts and orders of court is one of the primary factors for delay in court proceedings.

##### **1. Relationship between Recordation and Delay**

Judges of the Lagos High Court of Justice manually record notes, write verbatim transcripts, and prepare orders of court. The fact that judges act in the capacity of a recorder, and do so manually, is the main source of delay in the courtroom. By established rules of criminal and civil procedure, they cannot use electronic means to record court proceedings. This leads to delayed proceedings while the judge is writing and has created physical ailments in judges such as carpal tunnel syndrome of the fingers, hands, wrists, arms, and shoulders. Many judges interviewed complained that over the years the physical wear and tear of the job has been greater than any other factor contributing to their burnout.

Eliminating manual recordation by judges will significantly reduce delay. In many other courts throughout the world, when an interlocutory appeal is filed to the Court of Appeals, the parties and/or their attorneys must pay for an official transcript prepared by an employee of the court. This practice, if adopted by the High Court, may discourage the large number of interlocutory appeals that are requested by lawyers without just cause.

***Recommendation 14:***

**The Lagos High Court of Justice should make changes in the rules for recordation of court proceedings to allow the use of electronic recordation of events in the courtroom and in the judges' chambers.**

## **E. Other Approaches to Improve Caseload Management**

There are many other methods the Lagos High Court of Justice can use to control and reduce the pending caseload. Internationally, courts are using differentiated case management, settlement conferences, and alternative dispute resolution. This section reviews those approaches and provides the Lagos High Court of Justice with specific recommendations on how it can use these approaches to improve the timely disposition of cases:

### **1. Differentiated Case Management (DCM)**

Experience and common sense reveal that all cases filed in court are not equal. In all case types there are simple cases that can be disposed of quickly, routine cases that should be disposed of within the normal time standards, and complex cases that may take more involvement of the judge and potentially require additional time to reach disposition. Even without a formal DCM program, most experienced judges will naturally stratify their caseloads into simple, routine, and complex groupings.

Developing a DCM program is one way the Kaduna High Court of Justice can control case progress. Usually, the court accepts one case at a time and proceeds on the same timetable for all cases. Further, it maintains cases in date order and fails to realize that all cases do not need the same amount of attention. By treating all cases the same way, some are rushed and other are unnecessarily delayed.

In developing a formal DCM program, a court system needs to develop evaluation criteria, case events, and modified time to disposition standards for each DCM category. A DCM program is a practical approach to managing court cases, opens up channels of communication about expectations between the court and the parties or attorneys, and improves the use of resources—particularly judicial and staff time. The ultimate goal is to reduce costs and delay in litigation and provide litigants with more satisfactory results.

Under a DCM system, the Office of Chief Registrar, with the approval of the Chief Judge, distinguishes at the time of filing the amount of time and attention the case needs from judges and lawyers and the pace that is needed to bring the case to conclusion. The concept of DCM puts cases into different categories or track. The most popular and effective system used by courts is a three-track system:

- **Track 1: Cases that are less complex and need little of the court's attention. Based on the simplicity of issues, these cases should have a higher likelihood of settling.**
- **Track 2: Cases that are of average complexity and have issues requiring conferences with a judge or court hearing that do not pose great difficulty to get to disposition.**

- **Track 3: Cases that are more complex and call for the extensive involvement of a judge because of their legal complexity, number of attorneys, or public visibility.**

Once a case is assigned to one of these tracks, it is differentiated by the amount of time it is expected to dispose of the case from date of assignment to disposition and post judgment activity. With a time standard for each track, the court can take control of the case by setting goals for completion. As an example, as shown in Table 3, DCM time standards for civil cases typically reflect the percentage of cases completed within a recommended time period:

- **Track 1: When judges are hearing a less complex civil case, 90% of the cases should be disposed of within 3 months, 98% within 6 months, and 100 % within 12 months.**
- **Track 2: When judges are hearing an average complex civil case, 90% should be disposed of within 6 months, 98% within 12 months, and 100% within 24 months.**
- **Track 3: When judges are hearing a more complex civil case, 90% should be disposed of within 12 months, 98% within 24 months, and 100% within 36 months.**

**Table 3: Civil Case Tracking Matrix**

<b>Track 1 Less Complex</b>	<b>90% in 3 mos.</b>	<b>98% in 6 mos.</b>	<b>100% in 12 mos.</b>
<b>Track 2 Average Complex</b>	<b>90% in 6 mos.</b>	<b>98% in 12 mos.</b>	<b>100% in 24 mos.</b>
<b>Track 3 More Complex</b>	<b>90% in 12 mos.</b>	<b>98% in 24 mos.</b>	<b>100% in 36 mos.</b>

Time standards established by courts for criminal cases are somewhat different. In the U.S., they are set by state and federal law and rules of criminal procedure. Based on the problems the Kaduna High Court of Justice experiences getting criminal cases filed, delays in bringing defendants to court, delay in receiving or loss of evidence, and seriousness of the felony, time standards for criminal cases may be more forgiving. For example, as shown in Table 4, DCM time standards for criminal cases could be as follows:

- **Track 1: When judges are hearing a less complex criminal case, 90% of the cases should be disposed of within 3 months, 98% within 6 months, and 100 % within 9 months.**
- **Track 2: When judges are hearing an average complex criminal case, 90% should be disposed of within 6 months, 98% within 12 months, and 100% within 18 months.**

- **Track 3: When judges are hearing a more complex criminal case, 90% should be disposed of within 12 months, 98% within 18 months, and 100% within 24 months.**

**Table 4: Criminal Case Tracking Matrix**

<b>Track 1 Less Complex</b>	<b>90% in 3 mos.</b>	<b>98% in 6 mos.</b>	<b>100% in 9 mos.</b>
<b>Track 2 Average Complex</b>	<b>90% in 6 mos.</b>	<b>98% in 12 mos.</b>	<b>100% in 18 mos.</b>
<b>Track 3 More Complex</b>	<b>90% in 12 mos.</b>	<b>98% in 18 mos.</b>	<b>100% in 24 mos.</b>

DCM for motions and matters that come before the judge before a trial to court has a particular effect on the time allowed for completion of discovery. For cases assigned to Track 1 described above, little or no discovery is needed. On the other hand, complex cases in Track 3 would require individual tailored timetables for completion of discovery.

Under a DCM system, court monitoring of case progress is continuous. The court also monitors compliance with deadlines set by parties and their attorneys. The level of judges' involvement in any particular case is then determined by the case's specific track assignment.

***Recommendation 15:***

**The Lagos High Court of Justice should develop a DCM system to improve the screening, processing, and management of cases filed in the court.**

**2. Settlement Conferences**

Settlement conferences, a form of alternative dispute resolution (see 3 below), can be an effective means of bringing civil cases to timely dispositions. In settlement conferences, judges or respected members of the Bar who are not assigned to or subjectively involved in a case act as consultants to the parties. Depending on the complexity of the case, they may express an opinion on how much, in their experience, they think the case is worth. Alternatively, they may assist parties to come to terms of a settlement by determining the cost of a case if it continues. Using judges and esteemed members of the Bar to settle cases is a very efficient method for disposing of cases and reducing backlog in a court. In fact, many U.S. courts once or twice a year sponsor what is known as settlement week. During this period, the oldest of civil cases are brought before members of the Supreme Court or esteemed members of the Bar. Parties to the action meet with this "settler" and do their best to resolve part or all of their differences. Such programs have reduced the pending case inventory of the court and have been evaluated as a most effective way of saving the court time and money.

After a review of closed files in the Lagos sample court, the NCSC project team found that many cases in the Lagos High Court of Justice that “settled” had a higher number of adjournments than cases that did not settle. However, it is important to note that although having a large number of adjournments may “settle” cases, this does not speak to the time, money, and resources that are expended by the Lagos High Court of Justice, attorneys, and the parties to bring a civil action to closure.

***Recommendation 16:***

**The Lagos High Court of Justice should consider appointing a judge to encourage, coordinate, and conduct all negotiated settlement activities in the court.**

***Recommendation 17:***

**Before hearing arguments in civil cases, all judges of the Lagos High Court of Justice should routinely inquire if attorneys and the parties they represent have considered the possibility of a negotiated settlement. In every such case, the court should encourage negotiated resolution as an alternative to a formal court trial.**

### **3. Alternative Dispute Resolution**

Unlike settlement conferences, ADR refers to a variety of means to bring conflicts to conclusion, either as adjuncts or alternatives to traditional court process. In the past 20 years, ADR programs have proliferated in the U.S. ADR processes include mediation, arbitration, early neutral case evaluation, and private dispute resolution. Such programs can be an extension of the services offered by the court, or they can be services that are privately contracted and referred to by the court.

The use of ADR must be consistent with the tenets of caseload management. If used properly, it provides many benefits. Some of those benefits are quality of decision making, reduced cost to parties, faster disposition of the case, better use of the court’s resources, improved litigant satisfaction, and increased public trust and confidence. Therefore, whenever the court uses ADR programs, the same case processing time standards must be used, including time allotted between events. ADR programs used by the court must fit into the court’s overall plan to reduce the pending caseload and to support the court’s control of case progress.

One of the best forms of ADR the Lagos High Court of Justice can use is mediation. Mediation is the intervention into a dispute or negotiation of an acceptable, impartial, and neutral third party who has no authoritative decision-making power, to assist contending parties to voluntarily reach their own mutually acceptable settlement of issues in dispute.<sup>4</sup>

***Recommendation 18:***

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<sup>4</sup> Mediation manual, CDR and Associates, Boulder, Colorado, USA, 1986.

**The Lagos High Court of Justice should encourage the use of alternative dispute resolution (ADR) programs in magistrate and customary courts to promote increased satisfaction with lower court decisions and reduce the number of appeals to Court of Appeals and to the Supreme Court.**

## **II. COURT STRUCTURE, MANAGEMENT, AND OPERATIONS**

The NCSC team's analysis assesses organizational structure in terms of its relationship to case processing procedures and to the overall operations of the Lagos High Court of Justice. From this perspective, the key questions include: What elements of the present structure promote or hinder effective case processing and achievement of the court's goals? What modification in the structure or definition of roles could lead to improvements in the court's operations? Are there clear lines of communication? How does information flow in the organization? Is there a need for realignment?

Court operations in the Lagos High Court of Justice are complex and over time have evolved into a structure that does not intrinsically support the timely disposition of civil and criminal cases. Based on the NCSC team's review of management practices, it is safe to conclude that some of the basic concepts of court management and the idea of courts as a system are just evolving. This section reviews the court's structure and a variety of management operations, providing recommendations for improvement.

### **A. Framework for the Review**

In reviewing the operations of the Lagos High Court of Justice, the NCSC project team was guided, among other factors, by a consideration of the five critical areas of court performance, as enunciated in the national (U.S.) Trial Court Performance Standards.<sup>5</sup> The guidelines embodied in these national standards are intended for judges and managers interested in improving the work of the trial courts. They have proven to be a valuable resource for self-assessment, strategic planning, and self-improvement of trial courts not only in the U.S., but in other countries as well. Appendix A contains a more detailed outline of these five standards:

<p style="text-align: center;"><b>Access to Justice</b> <b>Expedition and Timelines</b> <b>Equality, Fairness, and Integrity</b> <b>Independence and Accountability</b> <b>Public Trust and Confidence</b></p>
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### **B. Organizational Structure of the Lagos High Court of Justice**

<sup>5</sup> Trial Court Performance Standards (TCPS), were developed in the U.S. by NCSC and the Bureau of Justice Assistance, United States Department of Justice, in 1990.

In the constitution of Nigeria, the judiciary constitutes a separate and independent branch of both the state and federal government. This independence was considered necessary to protect the integrity of the judicial role but, as this study indicates, the independence did not, for the most part, extend to court administration. Unlike the federal courts, which have highly compact or rather streamlined organizational structures, the Lagos High Court of Justice has an ineffective organizational structure. Apparently, in the Lagos High Court of Justice, the structure was created to serve a variety of local needs, not to conform to theories of organizational coherence and effectiveness.

Based on the NCSC project team's review of management practices (or lack thereof) it is safe to conclude that some of the basic concepts of court management, as well as the idea of courts as a system, are at best embryonic in the court. This section reviews the court's structure and a variety of management operations, providing recommendations for improvement.

The Lagos High Court of Justice has an authorized compliment of 42 judges. Seven judge positions were vacant in January 2001. The staff compliment consists of approximately 160 employees assigned to judges and 344 working in the various sections and reporting directly to the Chief Registrar, for a total of about 500 employees. Appendix C contains the organizational chart showing the various departments and reporting relationships. As it indicates, the court is organized generally along traditional lines.

The Chief Judge is the chief judicial officer for the Lagos High Court of Justice, which performs as both a trial court of general jurisdiction and an appellate court for the lower courts. As chief judicial officer, the Chief Judge is responsible for the administration of all courts in the state of Lagos and is subject to the direction of the Chief Justice of the Republic of Nigeria. The Chief Judge assigns all new cases filed to judges who maintain individual calendars for both civil and criminal cases and appeals.

The judges of the Lagos High Court of Justice are relatively isolated from the administration of the court and focus primarily on managing their individual calendars, scheduling, and hearing the cases assigned to their courts by the Chief Judge. Each judge has a staff of from three to seven. Each judge supervises his or her own staff which is made up of a principal registrar, a registrar, a court attendant, one clerical officer, a secretary, and an orderly (usually a police officer assigned to the Court by the police department to provide security at criminal trials). Judges' participation in the administration of the court is primarily consultative, and occasionally a special project is assigned to a specific judge. For example, there is a lead judge in charge of the judicial division in Lagos. This judge, assisted by a Deputy Chief Registrar, is responsible for the day-to-day operations of Lagos judicial division. Litigants can file cases directly in this division if they reside in the geographical area specified. The lead judge is appointed by the Chief Judge and serves an indefinite term.

The current table of organization is a hierarchical model, which places the Chief Judge at the helm of the organization, while the Chief Registrar and other judges report directly to him. In the Lagos division, a Deputy Chief Registrar assists the Chief Registrar. Eight department heads (Finance and Administration, Magistracy, Litigation, Probate, Law Library and Public Documents, Customary Courts, Maintenance, and Accounts), generally referred to as Directors, report directly to the Chief Registrar. It is the opinion of the NCSC project team that only two of the eight directors are qualified, by virtue of formal education and experience, for the positions they hold.

While there is a general understanding of what the various managers and court staff should do, the existence of a document listing roles and responsibilities is unclear. Lack of job descriptions leads to some confusion on the part of managers and court staff regarding their job responsibilities, but they still perform a wide range of administrative functions. However, without job descriptions, it is difficult for any manager or administrator to set forth clear expectations or conduct meaningful employee performance assessments.

Nevertheless, the organizational chart indicates some of the key responsibilities of these departments. For example, among other duties, the Director of Finance and Administration handles manpower development, pension, and budget planning. The Director of Accounts, on the other hand, is responsible for revenue collection and deposits, financial audits, and wage and salary administration.

Using these two departments as an example, it is not clear who coordinates human resource management functions. Typically, a Department of Human Resources would do so. When related functions are dispersed, they are less visible, and there is less accountability for performing them. The current organizational structure raises a number of other questions as well. For example, is there a legitimate business reason for placing probate and litigation under two separate departments? Is there any reason why the supervision and management of magistrate as well as customary courts could not be placed under one department?

Another issue is the overall number of departments. By reducing the number of departments in the court, the NCSC team believes that it would be possible to attract good and qualified managers and, at the same time, reduce the span of control for the Chief Registrar. This streamlined structure would allow for the creation of a strong (judiciary-wide) management team comprised of the Chief Judge, a number of lead judges, the Chief Registrar, and the department heads.

Reorganization will improve the court's management and the flow of work. The following recommendations reflect the need for selected realignments and the need to make coherent a number of functions previously distributed among various departments and offices of the Lagos High Court of Justice.

***Recommendation 19:***

**The Lagos High Court of Justice should develop a new organizational structure similar to the one depicted in Appendix C of this report.**

***Recommendation 20:***

**To improve the operations of the Lagos High Court of Justice, the Chief Judge should consider reducing the number of departments that are under the supervision of the Chief Registrar to a manageable number.**

***Recommendation 21:***

**Similar functions and court staff that perform those functions in the court should be grouped or combined into a single department.**

**C. Human Resources and Personnel Management**

This section addresses three issues associated with human resource and personnel management in the Lagos High Court of Justice: (1) consolidation of the human resources management functions; (2) the total number of court personnel and their distribution among personnel categories; and (3) personnel functions.

**1. Consolidation of functions**

As indicated in B above, the dispersion of personnel management among departments can weaken personnel management functions and inhibit accountability for their performance. What is needed is a single Human Resources Department responsible for all personnel functions, such as recruitment, testing, selection, classification and compensation, pension, salary/wage and benefit administration, staff development and training, employee discipline and grievance procedures, terminations, performance assessment and management, and employee/labor relations. Placing all of these functions under one department will make planning and directing human resource programs and initiatives easier and much more efficient. It will also underscore the fact that employees constitute the court's single most important resource.

***Recommendation 22.***

**The Lagos High Court of Justice should create a separate Human Resources Department with a qualified human resources professional as the director who oversees all personnel functions in the court.**

**2. Overall Staff Size and Functional Distribution**

Judges and court staff commonly believe that a major part of what is needed to improve the work of the Lagos High Court of Justice is the additional of personnel. However, the team's viewpoint is quite different. However, the NCSC team does not agree. The team believes that the court currently has sufficient total numbers of human resources to make significant improvements in both the quality and quantity of work the court performs. The real problem is that an analysis of the current workforce, shown in the budget submission for 2001, reveals an inverse relationship between the category of positions the court has and its actual manpower needs. For example, while there is an ample number of cleaners and security guards on the payroll, the judges have no law

clerks or interns assigned to them. Nearly all judges consulted during this study cited problems resulting from the lack of legal research assistants on staff and were concerned that the resources and facilities for legal research are far from adequate.

***Recommendation 23.***

**The Lagos High Court of Justice should employ Law Interns/Law Clerks (usually recent law school graduates employed for a term of one year) to assist each of the judges with legal research and memoranda.**

(This recommendation could be accomplished through the attrition of redundant and duplicative positions currently assigned to individual judges. If funding were available, newly funded law intern/clerk positions could be established at once or phased in over a period of time as newly funded positions.)

### **3. Personnel Functions**

The personnel management function in the Lagos High Court of Justice is hampered by the absence of formal, official guidance documenting general personnel policies and procedures, position duties and responsibilities, performance appraisal, and in-service training. A new, comprehensive personnel policy and procedures manual will help improve clarity of communication among all personnel in their collective efforts to manage the courts. It will also facilitate employee training, document fair employment practice, and save the time of supervisors and managers. It is essential in making the policies comprehensible to the employees governed by them. Also, managers and supervisors benefit from having written limits that define the boundaries of their discretion. As a companion to general policies, well-written position descriptions set out clear, succinct expectations for each employee. They also facilitate the development of individual goals and objectives, contributing enormously to the development and implementation of an employee performance appraisal system. Today's court personnel perform many of the functions described in this report, but they would benefit from more explicit position descriptions. As for training, the NIALS report (page 64) demonstrates the need for a clear, consistent in-service training initiative. The majority of judges did not feel that they had adequate training for their post, and they said they had not benefited from continuing judicial education for the past five years. Court administrators were split on the question of the adequacy of training, but the majority reported no on-the-job training in the past five years.

***Recommendation 24.***

**The Lagos High Court of Justice should develop a new personnel policy and procedures manual.**

***Recommendation 25.***

**The Lagos High Court of Justice should develop clear and concise job descriptions and specifications for every job title in the court.**

***Recommendation 26.***

**The Lagos High Court of Justice should develop an employee performance appraisal system in order to continuously assess staff performance and to enhance career progression.**

***Recommendation 27.***

**The Lagos High Court of Justice should develop an education and training program for judges and staff, managed by a qualified training specialist.**

Personnel records management is a function that requires particular attention. There are at least five key policy issues regarding a court personnel records system:

1. Whose records and what records are kept for job applicants and court employees?
2. How long must information be kept on file, and in what form must records be kept?
3. Among the judges, court managers, and supervisors, who has access to personnel and job-related employee information?
4. Do court employees have access to their own personnel files?
5. What personnel information should be disclosed about a present or former employee at the request of persons outside the court?

The court needs to consider these issues in implementing the following recommendation. Also, the court needs to eliminate the duplication caused by the bifurcated responsibility of secret and open personnel files.

***Recommendation 28.***

**The Lagos High Court of Justice should implement a centrally managed personnel records system. The secret and regular files should be properly managed and maintained by the Human Resources Director. Current bifurcation of these files is unnecessary.**

#### **D. Management Services**

Effective management services will support and improve the day-to-day operations of the court. The proposed organization structure, shows a new Management Services Department that includes such functions as finance, budgeting, accounts, purchasing, facilities management, maintenance, and transportation management. This department should be also responsible for budget planning, preparation and implementation. It should handle purchasing and procurement, revenue collection, and deposits. The audit and control unit should perform all financial audits and internal controls, including the review of payroll worksheets and receiving reports that result from purchasing and procurement. This time-tested approach has enough built-in checks and balances to prevent fraud and defalcation. As envisioned, the Management Services Department will also be responsible for facilities planning and management. Facilities management includes such considerations as basic cleaning, repairs and maintenance

(building and furniture), signage, and the provision for janitorial and housekeeping supplies.

#### **E. Case Management**

By improving case management, the court will improve the timely disposition of cases. Case management has both structural and procedural aspects. This section discusses structural factors. Section H discusses procedural factors.

From the structural standpoint, the Court should consider bringing probate and litigation personnel into one case management department. The range of functions envisioned for this department includes general intake services for the entire spectrum of cases that come before the Lagos High Court of Justice, the processing of these cases, preparing and maintaining statistical reports, records and filing management for all cases (active and pending), and the provision of courtroom support services, such as overseeing the recordation of court proceedings, proceedings transcript management, and interpreting for linguistic minorities.

#### **F. Information Technology**

The quality of management decisions depends heavily on the quality of management information. In the view of the NCSC project team, conspicuously absent from the management structure is an information system that can provide statistics and other information necessary for management decision-making. In fact, lack of such a system made it very difficult for the NCSC project team to gather data and delineate established chains of command. Nothing sought was readily available.

There is a critical need to establish an Information Technology Department, not only to improve records management and retention, but also to expedite the processing of and access to case related data in the court. The department director should be responsible for planning and developing an information technology infrastructure necessary to support the work of today's modern court. Although this recommendation may seem somewhat premature for the Lagos High Court of Justice, it is the opinion of the NCSC project team that the task of managing an urban court with a volume of cases as large as that of Lagos is inherently daunting. Without the gradual introduction of modern technological applications, the court's operation will continue to be costly, inefficient, and ineffective. Interviews with members of the Bar and others indicate that these sophisticated users of today's courts expect the court to use modern methods. They expect the same speed and reliability of service as in banking and other sectors.

#### **G. Facilities Planning and Management**

The Lagos High Court of Justice has two main office complexes, the conditions of which vary greatly. The buildings, located in Ikeja and Lagos, are devoted exclusively to the operation of the court. Observations suggest that these buildings are not properly maintained. Space allocation and the floor plans for various offices are not consistent

with the workload and workflow needs of the assigned personnel. In general, offices and courtrooms are often overcrowded, particularly on call-over days and at other times when the court calendar requires a high number of parties to be present. The central registry area which serves as the main intake area for cases being filed, as well as a number of services the Chief Registrar must perform pursuant to statute, is often the scene of large, unruly crowds and long waiting lines. The facilities are substandard and inadequate given the volume of work and the number of people that need to be serviced daily.

The basic cleaning and upkeep of the courthouse needs considerable improvement. Mounds of garbage and other junk, mostly broken furniture and personal property that have been attached as a result of court judgment, litter every area of the court facility, including public hallways and offices. This suggests the need for a properly managed storage facility and procedures that provide for the timely disposition of such property in accordance with the law.

Another important facility-related issue was the lack of office and directional signage in the courts. It was somewhat of a mystery to the project team how new customers of the court found court officials and other court locations.

Fortunately, the Lagos High Court of Justice is building two new facilities, one in Ikeja and one in Lagos. It is not clear whether the planning, design, and ongoing construction of these buildings enjoyed the full participation of the judiciary.<sup>6</sup> Such input is absolutely necessary to ensure that the system's present and future needs are taken into consideration.

To improve the design of the new buildings, a well-done workflow analysis serves to bring to light all of the steps or events involved in processing a case and delivering services to the public. It answers questions such as: Does the current process work efficiently and effectively? Does the court need a process re-engineering? Can the court eliminate or combine some of the steps? Does the building design sufficiently address the circulation patterns for judges, the public, and prisoners? Taking all of these questions into consideration, the design of a new court facility should put functions before form, particularly since a jurisdiction generally must live with a court building for at least 50 years.

A court facility designed, built, and managed with all of these questions in mind will go a long way in meeting the goal of improving access to justice and promoting expedition and timeliness. In addition to court programs and procedures, the physical infrastructure should promote efficiency, accessibility, convenience, and safety. Also, the aesthetics and decorum of courtrooms should project a positive image of the court, while enhancing public trust and confidence in the judicial system.

#### *Recommendation 29:*

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<sup>6</sup> Input is needed from the Chief Judge, Judges, Chief Registrar, Director and most importantly from court staff that will work in the proposed facility.

The Chief Judge should create a Judicial Facilities Committee. Members of the committee should include the Chief Judge or his designee, the Chief Registrar, representatives of the private bar, representatives of the Attorney General, and a representative from the Governor's Office. Other persons should participate as needed. The committee should meet on a regular basis (monthly) to discuss all issues relating to the maintenance and upkeep of court facilities and, as needed, should monitor the ongoing construction of the new facilities.

*Recommendation 30:*

The Lagos High Court of Justice should establish a management level position entrusted with the responsibility for overseeing all court facilities, security, maintenance, and cleaning. This individual should report directly to the Chief Registrar or designee and should attend the monthly facilities meeting.

*Recommendation 31:*

To improve the work place atmosphere for employees and members of the public, the Lagos Court of Justice should attend to basic cleaning and simple maintenance matters such as changing light bulbs, replacing broken windows, and repairing air conditioning units.

*Recommendation 32:*

As a basic customer service, the Lagos High Court of Justice should review and improve the signage throughout each courthouse to enable citizens to locate the offices and other facilities more easily.

*Recommendation 33:*

The Lagos High Court of Justice should acquire a central warehouse for the storage of all attached property.

*Recommendation 34:*

The Lagos High Court of Justice should ensure that the central registry intake services area in the new facilities is spacious, with ample seating for court customers who come to the court for service.

## **H. Case Processing Procedures and Records Management**

In a democracy, courts strive for the lofty goals of justice, fairness, and equality, but the tangible product of the court system and the judicial process is the records of proceedings, decisions, orders, and judgments. Court records include indices, dockets, registers of court actions, and case files maintained for the purposes of inquiry into the existence, nature, and history of disputes, and other matters resolved in courts. Therefore, a good record keeping system is in fact at the heart of a court's credibility and integrity. A court must have the ability to find and produce case files, which contain all of the relevant information from prior proceedings, in a timely manner, and know the

status of all pending cases. This section addresses operational procedures for case processing and records management. Section I addresses physical aspects of records management.

## 1. Work Flow

There is a critical need to examine the flow of work from when a case is filed to when it is assigned to a judge for case management and adjudication. This would help determine where there is redundancy and/or unnecessary waste in the process. Using the civil case process as an example (see Appendix D), a typical matter is initiated in the process unit by the filing of a writ of summons and statement of claims. When vetting is completed, the individual is sent off to the cashier's unit for assessment and payment of fees. File jackets are also purchased at this point. The litigant then returns to the processing unit where a file is opened and subsequently dispatched to the records unit. It is here that the case is assigned to the bailiff for service on the opposing party. In a number of instances, private attorneys request to serve the summons themselves. Regardless how service is effected, endorsements and affidavits of service are submitted to the records unit as proof of service. After appearance and/or pleadings are entered, the case file is then forwarded to the Chief Judge for assignment to an individual judge.

On the next call-over day, usually a Monday, attorneys and litigants gather in the courtrooms to get information on judge assignments and to schedule the first of the several trial dates that characterize most of these cases due to adjournments and postponements.

### ***Recommendation 35:***

**To improve the processing of cases, the Lagos High Court of Justice should revise the filing fee to include the cost of the file jacket. The court would then provide the file jacket when a case is filed and filing fees paid, thus eliminating the need to sell file jackets as a separate transaction.**

Similarly, service of process is currently inefficient and raises many ethical concerns. Information provided to the NCSC team indicates that the process service fee is nominal and has not been revised in many years. Whatever revenue the court generates from this activity is deposited into the government treasury. Bailiffs use whatever means they can to effect service. The team learned that attorneys and litigants have had to pay the bailiff directly to serve these documents. The bailiffs are judicial employees and not independent contractors involved in a separate enterprise from the court. This type of unregulated activity can lead to favoritism and undermines the court's image of fairness and integrity.

One way the court can address this serious matter is to request an increase in the filing fee and, at the same time, request funds to buy motor bikes for the 17 court officers who presently handle initial service of process. Motorbikes are the mobility of choice for several courier service companies operating in greater Lagos and surrounding areas. In fact, DHL, Federal Express, and United Parcel Service all use motorbikes to deliver

parcels and letter mail in and around Lagos. Another option the court could consider outsourcing initial service of process to any one of the many courier companies operating in Lagos.

## **2. Case Processing Procedures**

Every step in case processing results in a case record keeping activity. These steps include creating a record or file, maintaining (updating, retrieving, or reviewing) a record, or disposing of a record. These record keeping activities occur through the four phases in the life cycle of a court case. Organizing case processing procedure and caseload management around the four phases builds efficiency and rationality into the system. Carefully defining and documenting procedures greatly simplifies the system of filing and hearing cases in a timely manner.

The four case processing phases are:

**Phase 1. Case initiation**

**Phase 2. Maintenance of active cases**

**Phase 3. Case disposition and closing**

**Phase 4. Post-adjudication activities.**

The following describes each phase of the case processing procedures, records keeping and records management considerations, and the implications for the Lagos High Court of Justice.

### **Phase 1: Case initiation**

Case initiation procedures define the steps necessary to open a court case, create the records to support the case, and establish control over the case so that it can be properly tracked and managed. Upon receipt by the court, a complaint must first be subjected to a review process, including a quality review to ensure that it meets the requirements of the rules, is properly signed, and is filed in the correct court. A similar procedure already exists in the Lagos High Court of Justice. Traditionally, the litigation department performs this review. Rejected cases should be returned to the filing party with a clear explanation so possible actions can be taken to redeem the case. A form letter is often used for this purpose. Once accepted, the matter is assigned a case number, the index card is prepared, and the docket sheet (also called a case action summary or register of actions) is initiated. The complaint and all subsequent documents should be stamped with the date of receipt. Often, the filing party submits copies in addition to the original. They may be used for the filer's records or for service to the defendant. The copies should be authenticated as true copies of the original and also stamped as to the date received.

#### **(1) Establishing a case numbering system**

The court case number gives each case a unique identifier and indicates where a case is filed relative to other files in the series. For instance, if there are 1,000 civil cases filed annually in a given court, the case numbered 500 was probably filed about midyear and those in the high 900s towards the end of the year. The Lagos High Court of Justice presently divides the caseload into Civil, Criminal, Appeal, and Probate categories. A case number properly affixed to files will assist the Lagos High Court of Justice to identify and locate criminal and civil files. In order to improve case processing and access to files, the NCSC team recommends that the case number be constructed with four elements as described below.

***Recommendation 36:***

**The Lagos High Court of Justice should consider implementing a case numbering system to facilitate ease of reference and letter file management. The numbering system should contain the elements that identify the court, case type, sequential case number, and year.**

**(2) Constructing the Case Number**

Table \_\_\_ illustrates the recommend construction of a case number for the 342th civil case filed in Lagos in 2001. The case number would be written as L-CV-324-01

**Table 5 – Constructing the Case Number**

[Court]	L	=	is for cases filed in Lagos
		or	
	I	=	is for cases filed in Ikeja
[Case type]	CV	=	Civil Case
[Sequence]	324	=	324th case filed this year
[Year]	01	=	year the case was filed

Suitable codes should be developed for criminal (such as CR) and family (such as FM) cases. Other breakdowns of specific subject matters, in each case type, would also be appropriate, such as MR for marriage and PR for probate. These should be broad categories and not a listing of individual crimes.

By using this system, the case number itself conveys a considerable amount of management information. In manually assigning case numbers, use of a case number assignment log ensures that a number is only used once and that no numbers in the sequence are skipped. In a computer automated system, the computer normally assigns the case number when a new case is established. An alternative for assigning case numbers is to use pre-numbered case file folders.

The case number should be made known to all case parties at the time of filing or by some other means, such as a postcard, as soon as possible. In future dealings on the

case, the parties should be encouraged to use the case number to avoid the need for searching the alphabetic index (see index cards in [4] below) to locate the case.

### (3) File Stamping Documents

When the litigation department accepts and file stamps documents, a significant event has occurred. This act represents official acceptance of the matter by the court and, in the case of criminal complaints, commencement of the action.

Suggested guidelines for quality control include the following:

- Before file stamping, ensure the document is complete and signed or notarized if applicable.
- Ensure that appropriate fees have been paid prior to file stamping.
- File stamp only the first page of each document in a consistent location and in a clear area.
- Do not file stamp any documents that do not require it, such as duplicates, exhibits, envelopes, and notes.

#### ***Recommendation 37:***

**The Lagos High Court of Justice should document and consistently follow the file stamping procedure.**

### (4) Preparing Index, Case Action Summary, and Calendar Cards

The Registrar's Office in Lagos does not always keep track of cases or the actions that occur in them. In order to improve the tracking and processing of cases in the Lagos High Court of Justice, employees in this office must make better use of index, case action summary, and calendar cards. These are designed in packets of pressure-sensitive, multi-part forms, allowing the information on the index card to be typed only once. An alternative is to use properly aligned and patterned carbon paper.

In civil matters there are normally two index cards, one for the first named plaintiff and one for the first named defendant. In multi-party cases, additional cards can be prepared as an option. The plaintiff and defendant index cards can be maintained in separate files or integrated into a single index card file. When combined, they are usually printed on different colors of card stock. An index card system, as opposed to index books, is the only way to maintain a true alphabetical system in a manual setting. A computerized index is the ultimate answer. Once widespread automation is a reality in Kaduna High Court of Justice, the index cards can provide the data for loading into the system.

The case action summary improves the tracking of actions in a case. It is designed to be maintained in case number order in either an open-top bin or a three-ring binder. Appendix E contains a sample Case Action Summary card.

***Recommendation 38:***

The court should prepare a case action summary after case filing, and update it as the case progresses through the court process. The court should also consider the changes in procedures required to implement these tools.

***Recommendation 39:***

All documents should flow through the Litigation Department for file stamping and annotation on the case action summary prior to going to the judge for inclusion in the case file.

This system would require working out intricate details of coordination, but feasible procedures can be developed. For instance, the scheduling and results of hearings should be noted on the Case Action Summary. One question is how this information will be transmitted to the Litigation Department? Normally, the mechanism would be a document created at the time of the action in court or in the chambers.

The calendar card is key to effective active case management. The Lagos High Court of Justice has a strong tradition of individual calendaring whereby all cases are assigned to a specific judge. The judge maintains the case jacket and receives all subsequent documents in chambers during the active life of the case. There is nothing wrong with an individual calendaring system that brings strong judicial control over the cases. In such a system, the judge and his or her staff would maintain the calendar cards and actively manage all assigned cases. Calendar cards need to be maintained in a file by the next action date.

Good caseflow management procedures in many courts require every case file to indicate a next action or review date. This concept recognizes that the next action in a case is not always a hearing or trial. It may be the date the answer from the defendant is due or some other event. Many cases in the court are a state of limbo and are waiting for something to occur, such as hearing, interlocutory appeal, or settlement negotiation. The court must still be proactive in ensuring that cases progress to a timely disposition and are not forgotten. A review date is therefore assigned 30, 45, or 60 days in the future depending on the nature of the event or case type. On that date, the matter is reviewed and either a hearing date is set, a new review date is established, or the case is dismissed for lack of prosecution.

**(5) Case File Folders**

Appropriate file folders facilitate the security, organization, and retrieval of file information. The folder recommended below makes it easier to review documents and increases efficiency in removing documents for photocopying and then replacing them in the file. It also facilitates other file management tasks such as filing subsequent documents created during the post-adjudication phase of the case. In addition, standardizing the size of papers to A4 (or similar size) will help the court organize and process court papers in a more timely manner.

***Recommendation 40:***

**The Lagos High Court of Justice should use a standard file folder with a two-pronged file fastener.**

***Recommendation 41:***

**The Lagos High Court of Justice encourage attorneys to use, and at a date certain only accept, standard size papers for pleadings and other motions filed in the court.**

**Phase 2: Maintenance of Active Cases**

There is no clear division regarding when Phase 1 (Case Initiation) ends and Phase 2 begins, since the initial records and case maintenance/monitoring tasks are established early in the life of a court case. In the individual calendaring system, each judge is responsible for his or her caseload and can influence the pace of litigation in individual cases.

**(1) Monitoring**

Ensuring the timely disposition of cases requires monitoring them. The case monitoring events vary depending on the nature of the case. In civil cases, for example, the defendant has the right to file an answer to the complaint, and civil defendants often include counterclaims. A case is not considered progressing until the answer is filed. If the defendant refuses to answer and it can be proven that proper service was made, the plaintiff can normally move for a default judgment.

Following all hearing, trial, and other case events, the office of the Director of Litigation should be notified so that an entry can be made on the Case Action Summary. Developing and maintaining such a system will enable the establishment of a true chronological case history. It will also enable a determination of the status of every case at all times. The orders and other documents that result from court hearings need to be completed, signed if applicable, and annotated on the Case Action Summary. The calendar card is retired when cases are disposed and updated with the court proceeding or review indicated and next action date if not disposed. The calendar card is then filed under the next action date. This process is repeated until the case is disposed.

***Recommendation 42:***

**The Lagos High Court of Justice should develop a case monitoring and control system for based on the use of the calendar card.**

**(2) Developing the Calendar**

The calendar is developed from two sources of information, the judge's diary and the calendar cards. On days when court should be in session, a calendar needs to be developed for use by the judge and the court staff. The calendar needs to list court events that will occur in open court and should also be posted in a public area of the court facility. Since the public is admitted to most court hearings, this mechanism enhances good public relations and open communication. Appendix E contains a sample Calendar Worksheet.

The calendars are initiated up to two weeks in advance. After review of judicial diary entries and calendar cards, the judge pencils in the calendar items since things might change prior to the court dates. Calendars should be finalized two to three days in advance. If there are changes after the calendar is posted, they should be written in on the copy posted for public display as well as the chambers copies.

### **Phase 3: Case Disposition and Closing**

Court cases are disposed in various ways including rendering of a judgment, sentencing in criminal cases, or dismissal. It must be clear in the records and to all parties that the case is disposed and what constitutes disposition. In the Kaduna High Court of Justice, there are guidelines for the events that must occur at case disposition including preparation of the orders and arrangement of the documents in the case file. Once the file is turned back to the Litigation Department, that office also has certain routines to follow. At present, the file is sometimes reviewed for updating, since not all files are routinely reviewed by the Litigation Department. If the court adopts the recommendation for the use of a Case Action Summary, this procedure should be modified since most of the entries will have already been made on the form.

Following these closing procedures, the Litigation Department is responsible for safe keeping of the files and making them available for review by the public or interested government agencies. Safe keeping of the files also facilitates post adjudication actions including appeals and execution of judgments.

#### ***Recommendation 43:***

**The Lagos High Court of Justice should develop new case closing procedures based on the use of case action summaries that are updated as documents are received and events occur during the active life of the case.**

### **Phase 4: Post Adjudication Activity**

The event of a court case closing is often not the last. Disputes are not fully resolved until the post disposition matters are satisfied. There are many post disposition events that can occur. These vary among the different case types. Possible post disposition events include:

- Execute the case disposition order
  - Criminal:* Process sentencing documents

- Post conviction relief (reconsideration of the sentence)
- Civil: Process judgment
- Process satisfaction of judgment
- Facilitate execution of judgment
- Family: Process documents and distribute to parties and or agencies involved in the matter
- Process appeals
- Process motions to reactivate case (return to Phase 2)
- Return or destroy exhibits which the court may have retained
- Receive and process payments (fines and court costs)
- Transfer file to local court archives regularly

In order to be truly responsive to the citizens and agencies that rely on the court, the court must have the mechanisms to manage and carry out all of these post disposition matters.

#### I. Physical Records Management Procedures

One of the salient features of a well-designed court facility is its provision for records management, both active and archival. Court records can affect the rights and duties of individuals and organizations for generations to come. Therefore the appropriate protection and preservation is vital. Inaccuracy, obscurity, loss of court records or untimely availability seriously compromises a court's integrity and subverts the judicial process<sup>7</sup>.

***Recommendation 44:***

**The Lagos High Court of Justice should implement a full range of modern records management practices. This includes reorganizing existing file storage areas, developing new case jackets, using open shelving and file cabinets to store and preserve records with legal and historic value, and discarding those records which lose their value over time.**

Similarly, the absence of an emergency management and disaster recovery plan is a serious shortfall that undermines the integrity of the Courts. Fire, flood, and vandalism as the result of civil unrest have caused the loss of thousands of court records in various parts of the country. In the Lagos High Court of Justice, records have been severely damaged, and some of them have been lost due to neglect, lack of proper preservation, and poor management.

***Recommendation 45:***

**The Lagos High Court of Justice should develop and implement a plan for emergency management and disaster recovery.**

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<sup>7</sup>Trial Court Performance Standards, Standard 3.6.

### III. COURT POLICIES AND RULES OF PROCEDURE

Although they have served Lagos High Court of Justice well for many years, the federal and state rules of civil and criminal procedures and some court policies hinder the timely disposition of cases in the Court. This is due not only to the increased number of case filings, but also to the growing backlog of cases in the court. Simply stated, in order to expedite the timely disposition of cases in the Lagos High Court of Justice, some of the rules of procedure need to be revised and updated. To accomplish this, the court should form a Rules Revision Committee and give the charge to review and propose rule revision for both civil and criminal case processing.

#### A. Relationship between Policies/Procedures and Court Delay

Since the rules of civil and criminal procedure contribute to the delay in the Lagos High Court of Justice, the Chief Judge must make a concerted effort to change those rules that slow the court or impede effective and efficient caseload to disposition. Rule changes such as prohibiting the use of documents at trial that are not filed at pre-trial, defining who can effect service, redefining information required in pleadings, amending pleadings only once before trial, setting new time limits on summons, increasing the powers of the Office of the Registrar, limiting interlocutory appeals, limiting adjournments to two requests, specifying and enforcing time limits on oral arguments to 20 minutes, and controlling ex-parte contact are significant improvements the Lagos High Court of Justice must adopt.

#### B. Revising Policies and Procedures

The Lagos High Court of Justice must continue to review and revise its policies and procedures regarding civil and criminal cases. With the assistance of the Nigerian Institute for Advanced Legal Studies, the following amendments and revisions have been proposed to the following civil procedure rules for this court. If these proposals are adopted, they will contribute significantly to reducing the case backlog that the court is experiencing:

##### Amendment of Order 3

Rule 1 of Order 3 - Mode of beginning of civil proceedings

Rule 2 of Order 3 - Proceedings must be begun by writ

##### Amendment of Order 4

Rule 4 (1) of order 4 is hereby deleted

##### Amendment of Order 7

Rule 1 of Order 7 is deleted and substituted - Who effects service

##### Amendment of Order 9

Rule 1(1) of Order 9 is deleted and substituted - Mode of entry of appearance

Rule 1(2)(b) of Order 9 is deleted and substituted - Sending of sealed copy

##### Amendment of Order 17

Rule 4 of Order 17 is deleted and substituted - Statement facts/ evidence

Rule 693) or Order 17 is deleted and substituted - Particulars of a claim

Amendment of Order 18

Order 18 is deleted

Amendment of Order 19

Rule 6 is amended new sub rule of statement of defense

Amendment of Order 25

Rule 15 is deleted and substituted - Setting aside judgment by default

Amendment of Order 26

Rule 1 is amended addition of language

Amendment of Order 27

Order 27 is deleted and substituted - Summons and Pre-trial conference

Amendment of Order 40

Rule 3(1) is deleted and substituted - Duties of the registrar

Amendment of Order 41

Rule 6 of Order 41 is deleted substituted - Application/Interlocutory Orders

Amendment of Order 42

Rule 3 is deleted and substituted - Notices and Adjournments

Amendment of Order 43

Rule 3 is amended - Ex parte application

Amendment of Order 49

Rule 2 is deleted and amended - Time of day service

Rule 3 is deleted and substituted - Court may extend time

Amendment of Order 56

Rule 39 is deleted and substituted - Decisions given in chambers

Amendment of Order 60

Sub-rule 3(1) is deleted and substituted - The Undefended List

Other Matter in Respect of Which Practice Directions are Recommended:

- Submission of Written Briefs by Counsel – Required at close of the case
- Speaking on the Brief – Limit of 25 minutes
- Part Heard Matters and the Transition Period - Direction
- Scale/Quantum of Costs – Increase scale realistically
- The Choice of Pre-Trial and Trial Judges – Pre-trial judge not trial judge

Schematic Flow of Case Management Procedure

- Steps to improve caseload are put forth

Appendix G contains a detailed description of these proposed changes.

**Recommendation 46:**

The Lagos High Court of Justice should continue to review and revise its rules of civil and criminal procedure.

**C. Need for Support**

In order to make these important changes, the Chief Judge of the Lagos High Court of Justice must actively involve other judges, high-ranking members of the Bar, prosecutors, police, corrections officials, and others involved in improving the judiciary. Without their involvement and support, revisions to the Lagos High Court of Justice rules of civil and criminal procedures will not occur. It is especially important to involve the Attorney General and members of the Bar in procedural changes. These professionals know the problems the court faces in reducing delay and expediting caseload. They are also most familiar with the many barriers the court faces when it tries to implement change. With the involvement of the Bar, Bar leadership can help the court train attorneys to better understand the benefits of the rules revisions and the need to improve caseload.

#### **IV. OTHER ISSUES**

There are many other issues facing the Lagos High Court of Justice besides improving caseload and calendar management. In order to continually improve a system of justice, the leadership of any court, starting with the Chief Judge, must be involved in a proactive strategic planning process. To do this they must look at the workflow and develop and participate in process re-engineering, they must plan for technology, and they must involve the members of the Bar association and form a partnership with the to help the improve the entire system of justice. The following topics are some areas that need improvement in the Lagos High Court of Justice.

##### **A. Strategic Planning for The Court**

Strategic planning is essential to making the changes that are needed and developing the steps required to improve the timely disposition of cases in the court. Therefore, the court must begin a planning process that will re-define the court's mission, vision, goals, and objectives. In order to accomplish this, the Chief Judge must assume a strong leadership role. All judges and a representative group of court officials in the Lagos High Court of Justice must be invited to participate. Once the leadership of the Court has convened, they should hold a session to determine the problems that affect the court system. The next step is to categorize and prioritize problems. With this information at hand, the Chief Judge should form and chair a new Strategic Planning Council and involve the group in formulating a strategic plan that will guide the court over the next several years.

##### ***Recommendation 47:***

**The Chief Judge and other judges should undertake planning exercises to identify problems and to set forth the mission, vision, goals, and objectives of the Lagos High Court of Justice, as well as to implement the recommendations in this report.**

##### **B. Process Re-engineering**

Process re-engineering is a method for documenting, examining, and improving each step in the business process of a court. It is one of the most inexpensive methods to improve workflow and increase service to the customers of the court. Re-engineering of operations will be essential if the Lagos High Court of Justice intends to expand on existing automation or to implement a new computerized case processing system.

Process re-engineering in the Lagos High Court of Justice will take a great deal of effort. This type of initiative should be lead by the Chief Registrar of the Kaduna High Court of Justice and involve all court staff in each section. In order to start the process, the Chief Registrar should appoint a review committee in each section of the Registrar's Office. Committee membership should include all classifications of employees. In particular, it must include those employees who do the work since they know their jobs the best and usually have good ideas on how to improve the process. Once the committee has been formed, its members must be trained regarding why they are examining their business processes and operations and how they are going to accomplish documenting, improving and, most important, implementing the process.

***Recommendation 48:***

**The Chief Registrar should begin process re-engineering of court operations to improve the workflow and business procedures in the Lagos High Court of Justice.**

**C. Role of Technology**

There has been a great deal written about the role of technology in courts and how it can help judges and court staff not only in facilitating the timely disposition of cases, but also in controlling calendars and the financial management. The role of technology is integral to the future success of the Lagos High Court of Justice. Besides electronic recordation equipment and new fax and copy machines, the Lagos High Court of Justice should seek and introduce an automated case tracking system in which court staff members enter all the case information now posted by hand in registration books.

The information now entered manually should be entered in a database software system that can not only perform the functions of the current registration books, but can also provide reports on the number, age, and status of cases filed, disposed, and pending.

***Recommendation 49:***

**The Lagos High Court of Justice should seek funding from the Nigerian government for an automated case tracking system in which court staff members enter all the case information now posted by hand in registration books.**

***Recommendation 50:***

**The Lagos High Court of Justice should take steps to improve electronic communication among all the court's locations in the state by providing newer fax machines, then by introducing electronic mail,**

and eventually by having electronic wide area networks and Internet service. Ultimately, this capacity should be extended to the magistrate courts as well.

*Recommendation 51:*

The Lagos High Court of Justice should competitive bidding and public contracts with private vendors would provide electronic communication equipment cost-effectively.

*Recommendation 52:*

The Lagos High Court of Justice should consider providing its judges with laptop computers to take notes on the bench and to prepare draft decisions. Subsequently, consideration should be given to extending the use of laptop computers to appellate court judges as well, and then to judges in the magistrate courts.

**D. Involvement of the Bar**

The Chief Judge has made significant efforts to involve members of the Bar in improving case flow management in the court. The Bar can be a powerful force in helping the court get what it needs not only to improve caseflow, but also to improve operations, including automation, facilities, and employee compensation. Moreover, the Bar can assist the court to enforce changes in policies and procedures as well as to train attorneys in the importance of limiting adjournments, being on time to court, and increasing times for process of service.

Even though the Bar should be involved in activities that support court improvement, the court should not lose site of its independence and objectivity. It must be very clear from the beginning to the members of the Bar and other stakeholders in the judicial system that their participation and support involve them only in the continuous development of the court, not in judicial decisions regarding cases being heard by the court. It must be clear that assisting the court to improve the system of justice for the people of Nigeria does not compromise or sacrifice judicial independence.

**V. CAPITALIZING ON THE PAST AND MOVING FORWARD**

In the past, the Chief Judge, other judges, Chief Registrar, and court staff of the Lagos High Court of Justice have accomplished much. Nevertheless, much remains to be done to improve the delivery of justice to the citizens of Lagos state, and confronting and solving problems in a positive manner is essential. This study provides the court's leadership and other staff with an objective view of their system as well as recommendations for change. Change can occur only through problem-solving and by working together as a team.

Despite past achievements, in light of the rising case filings and in order to improve court administration and caseload management, the court's leadership must make a commitment to change. A Strategic Planning Council comprised of the Chief Judge, other judges, and Chief Registrar must determine the court's vision, mission, goals, and objectives. This will provide the context for reviewing the court's organizational structure and improving the methods by which the court is keeping records, processing cases, and controlling the pace of litigation. Based on projections of increased case filings, the court must work together as a team with appointed and elected officials and members of the Bar to promote legislation and/or change certain rules of civil and criminal procedure that govern case processing in the court. Without these changes, case processing and hearings will continue to be cumbersome, time consuming, and delayed by adjournments or interlocutory appeals. Moreover, the Chief Judge, other judges, and Chief Registrar must establish time standards and differentiate the amount of time, effort, and energy that is spent on cases. The court must also increase training opportunities for judges, attorneys, and court staff in a variety of areas. Problem-solving meetings must be held to identify barriers to effective communications and resolve issues that slow down the process of justice for the citizens of the state of Lagos.

Once this report is read and understood, in order to start the all-important process of change, the court must prioritize and implement the many recommendations *not requiring additional resources*. For those recommendations that require additional resources, the leadership of the court and its officials must work together to secure funding from the Nigerian government to carry them out.