

LEGAL AND INSTITUTIONAL FRAMEWORK ON NIGERIAN CASE MANAGEMENT SYSTEM

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Abstract

The effective administration of justice in Nigeria is fundamentally reliant on the functionality and efficiency of the case management system employed by the judiciary. This paper examined the legal and institutional framework that underpins case management in the Nigerian court system, particularly the role of the court registry in ensuring the swift and fair dispensation of justice. It evaluates the statutory and procedural rules, including the Supreme Court Rules (1985), Court of Appeal Rules (2021), and various High Court and Magistrate Court Civil Procedure Rules, which form the backbone of judicial case management. Despite the existence of these rules, the implementation of case management practices in court registries remains inconsistent across jurisdictions. The research adopts a doctrinal legal methodology supported by a qualitative analysis of case law and court rules. Findings reveal a gradual institutionalization of case management but highlight significant operational gaps in registry practices and judicial oversight. The paper concluded by recommending institutional reforms and capacity-building measures to entrench case management as a practical tool for enhancing justice delivery.

Keywords: Case Management, Court Registry, Judicial Administration, Civil Procedure Rules and Speedy Dispensation of Justice.

1. Introduction

Case management is very essential in the administration of justice and this is because the law, the judiciary and the administration of justice are so intertwined that they comprise what is known as a legal system¹ and therefore, the Court Registry which is the administrative and secretariat of all courts in Nigeria must be alive to their responsibilities by the adoption of Case Management System as a way to help the court to perform effectively and efficiently in the dispensation of justice. As pointed out by Hadiza,² case management involves judicial officers using the tool at their disposal with fairness and wisdom (and in a way that fits their personalities and styles) in order to achieve the goal of facilitating the efficiency of the court and even delivery of justice by the judge. The vexing question to ask at this juncture is does the Nigeria court Registry adopt case management as part of its administrative work in court in order to facilitate speedy dispensation of justice? The answer to this question is partly yes and No. in order to answer, the yes part of this question as a way of laying the legal and institutional framework for case

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¹E. Malemi, *The Nigerian Legal System Text and Cases* 3rdedn, (Princeton Publisher, Lagos) p. 2.

² S.S. Hadiza, Deputy/ HOD Performance Evaluation & Legal Department, National Judicial Council at Refresher Course for Magistrate held 2 April, 2019 at the National Judicial Institute, Abuja FCT, Nigeria.

management by the Nigeria Court registry, it is apt to state the various means through which case management was introduced into the Nigeria legal system to help the court and its registry in achieving speedy dispensation of justice. The current legal and institutional framework for case management system by the Nigerian court registry was introduced into the Nigerian Courts through the various rules of Courts by the head of the various Court from the Supreme Court to the Magistrate/District Courts. Therefore, case management was introduced and institutionalized into our legal system by the various Court Rules such as; Supreme Court Rules, 1985; Court of Appeal Rules, 2021; Federal High Court Rules, 2019; National Industrial Court Rules, 2017; High Court Civil Procedure Rules of Various States High Courts; Sharia Court of Appeal Rules and Customary Court of Appeal Rules; the Magistrate and District Court Rules of various States. The essence of these rules was to bring about speedy dispensation of justice and to encourage and institutionalized the Case Management System by the Nigeria Court Registry as way to move the wheel of justice forward. The importance of the Rules of Court was aptly enunciated in the popular case of Fidelity Bank, the Supreme Court Rules,³ the President of the Court of Appeal made the Court of Appeal Rules. In the case of *PLC v Monye*⁴, the Supreme Court admirably held thus:

The Rules of Court of procedure are made for the convenience and orderly hearing of cases in court; they are made to help cause of justice and not to defeat justice. The rules are therefore, aids to the court and not masters of court.

Hence, the legal and institutional framework for case management by the Nigeria Court registry is based on the subsidiary legislations made by the following heads of courts; the Chief Justice of Nigeria made,⁵ the Chief Judge of the Federal High Court made the Federal High Court Rules,⁶ the President of the National Industrial Court Made the National Industrial Court Rules,⁷ the Chief Judge of the High Court of the Federal Capital Territory, Abuja made the FCT High Court Rules,⁸ the Grand Khadi of the Sharia Court of Appeal of the Federal Capital Territory. Abuja made the Sharia Court of Appeal Rules,⁹ while the President of the Customary Court of Appeal of FCT made the Customary Court of Appeal of FCT, Abuja Rules,¹⁰ the Chief Judge of a High Court of a State¹¹, the Grand Khadi of a Sharia Court of Appeal of a State and the President of the Customary Court of Appeal of State¹² while the various Magistrate and District Court Rules are made by the Chief Judge of the State.

Therefore, they are all empowered by virtue of the Constitution to make rules for those court and the rules were made to be applied and enforced by the Court Registry on behalf of the Court. Another legal frame work for the case management by Nigeria Court Registry is the Rules creating/ establishing some Courts in Nigeria, the Supreme Court Act, Court of Appeal Act, National Industrial Court Act, the Federal High Court Act, Customary and Sharia Court of

³ Constitution of the Federal Republic of Nigeria (CFRN) 1999, s. 236.

⁴ (2012) 10 NWLR (PT 1307) 8 at Paras C-E

⁵ CFRN 1999 (n 3), s. 248.

⁶ Ibid, s. 254.

⁷ Ibid, s. 259.

⁸ Ibid, s. 264.

⁹ Ibid, s. 269.

¹⁰ Ibid, s. 274.

¹¹ Ibid, s. 279.

¹² Ibid, s. 284.

Appeal Act of the FCT and Various States, and the Magistrate/ District Court Act, we also have practice Direction issues by the Court in order to comply with the rules of the court, and judicial precedent. According to Yusuf Ali, SAN, One of the goals aimed to be achieved with the institutionalization of case management conference by the court through the various courts registry is to structure pre-trial proceedings of any case in such a way that promotes the early exchange of information on key issues, so that the parties will be in a better position to evaluate their claims, defences and also to achieve as early settlement of the case¹³ and in cases where settlement is not possible, the case management process is there to equip the court with other management techniques to eliminate frivolous issues and streamline the issues in the case, so as to proceed to trial efficiently, mainly on genuine issues of material facts.

Case management and procedural rules are the two most important elements for enforcing time frame and timely case management or processing by the Nigeria judiciary therefore, delay in the administration of justice by the Courts in Nigeria has been one of the major problems Nigerian judiciary has been grappling with even before the return of the nation to a democratic rule, delay in the dispensation of justice is a fundamental issues that goes to the root of access to justice and the concept of fair hearing since justice delayed is justice denied.¹⁴ This is because the decline in the administration of justice manifests itself through unprecedented delay in case processing, and increasing backlog of cases in a timely manner which has tendency to diminish the citizens willingness and ability to access justice. Hence, in order to truly stem the tide of delay in the dispensation of justice case management must be given a top priority by the stakeholders in the administration of justice in Nigeria particularly the Court registry, judges and the members of the bar if there is going to be speedy dispensation of justice in Nigeria Effective case management is essential to the delivery of justice and requires that cases be handled in a manner that is both timely and deliberate in order to curtail delay in the administration of justice and denial of access to justice.

Consequently, effective case management will help judicial officers through the court registry to achieve more each day.

2. Case Management Conferencing and Scheduling

Case Management Conference and Scheduling is one of the innovative procedure adopted by the High Court in Nigeria as way to entrenched the culture of timely disposition of case and speedy dispensation of justice. The need to adapt case management conference and scheduling into the various High Court Civil Procedure rules became imperative due to the hydra headed issue of abuse of court process by the legal practitioners and the inability of the court to streamline issues that could come before it for settlement. Before the advent or adaption of case management conference and scheduling into the Nigeria Rules of court, the court is always inundated with frivolous suits, issues and interlocutory applications that have no relevance and not helpful to the Court in order to do justice to the case before it. Sanda¹⁵ opined that Case Management and Scheduling is a must in that Legal Practitioners are not sparred in the cause of delay and

¹³ Y. Ali, SAN. “Judicial Case Management: Effectiveness or Interference” being a paper delivered on 11th April, 2019 at the 21st Commonwealth Law Conference held in Livingstone, Zambia. P. 3.

¹⁴ A. Zubiar , I.A Yusuf, A.T Shehu, etal, “ Judicial Reforms in Democratising Nigeria” [2014] (Vol 2) (No 2) *Akunga Law Journal*, p.79 ¹⁶ Ibid p.79

¹⁵ A.A. Sanda, “*justice Delayed is justice Denied: Problems and Solutions*” (spectrum Books Limited, Ibadan, 2006) p.15.

congestion in our courts as some lawyers usually file frivolous suits, ask for frivolous adjournments and prosecute their matter without the requisite diligence, seeking for adjournment on the basis of parties /counsel sickness in a case has formed a substantial part of delay in adjudication. Similarly, Hon Justice Akintan, JSC in the case of *Alsthom v Saraki* observed;

“It is a notorious fact that trials of cases in our court are unduly delayed as a result of numerous adjournments made by counsel and granted by the courts, it is a problem which in my view needs to be seriously looked and tackled strictly by our courts”¹⁶

The observations above necessitated case management conference and scheduling by the court before proceeding to trial of any case. It allows the court to fully be in charge of the matter before the actual trial. Gone are now the days when lawyers will file a suit without situating the cause of action within any known substantive law or adjectival law. The case management conference and scheduling is also an offshoot of the frontloading system adopted by all court to avoid springing up of surprises and overreaching of parties cases.

The advantage of the front loading is that it has brought openness to litigation as opposed to the hide and seek which characterized litigation in the past and this openness makes litigation faster, cost effective and court more accessible¹⁷ hence, the current case management in the Nigeria Court System, which are all similar both at the Federal and State level levels across the State, with little difference which requires that after filing of the law suit, filing of the necessary pleadings and the counsel of the parties have appeared for mention of such case, a Pre-Trial and Case Management Conference and Scheduling is scheduled, it should be noted that Case Management Conference and Scheduling and Pre-Trial is part of the court procedure and it involves the meeting between the judges, parties, and the Legal Practitioners representing the parties to appear at the Conference¹⁸. Hence, a Pre-Trial Conference/ Case Management Conference and Scheduling is a meeting of the parties to an action and their attorneys held before the court prior to the commencement of actual courtroom proceedings,¹⁹ the conference is held before the Trial Judge and a Pre-Trial Conference may be requested by any of the parties to the suit or it may be ordered by the court; it is an informal meeting at which opposing parties counsel confer the judge to work towards the disposition of the case by discussing matters of evidence and narrowing the issues that will be tried and the conference takes places shortly before trial and ordinarily results in a Pretrial orders.²⁰ It was held in the case of *Prince Cletus Kpekon v Maurice Prowen & Ors*²¹ thus: “...that a Pre-Trial Conference or Case Management Conference can only take place after the close of pleadings or as specified under the relevant High Court Civil Procedure Rules...”

Case Management Conference and Scheduling also provides the parties and the presiding judge with an opportunity to consider whether the case is suitable for settlements or resolution by

¹⁶ (2005) Vol.3 MJSC p.15 paras A-B.

¹⁷ P.A. Bobai & D.U.Dewan, “ *A Practical Approach to Civil Litigation in Nigeria*” (University of Jos Press Ltd, Jos Plateau State, Nigeria, 2020) p. 144.

¹⁸ Ibid, Ali,

¹⁹ Hon Justice C. O. Ajah, Ph.D *Pre-Trial Conference and Case Management*: being a paper presented at the 2021 Virtual Refreshers Course for Judges and Khadis Organized by the National Judicial Institute, Abuja, From 22nd to 26th March, 2021 p. 2.

²⁰ Ibid.

²¹ (2011) LPELR 9777(CA).

Alternative Dispute Resolution(ADR) and in that regard, the judge is conferred with the power to make orders on a wide range of interlocutory applications, this enable the judges to some extent, to shape the content of the case presented by the parties at trial which leads to speedy trial and dispensation of justice as far as practicable

2.1 Practical Operation and Analysis of Pre-Trial/ Case Management Conference and Scheduling Under the FCT and Nasarawa State High Court Rules

It is imperative at this material time of this discourse to lay bare the practical operation of the Pre-trial/ Case Management Conference and Scheduling under the FCT and Nasarawa State High Court Rules and to look at the consequence of not turning up at the conference. The following issues will also be addressed; settlement of issues, agenda at the Pre-trial/Case management Conference, who is to initiate the Pre-trial/Case Management Conference, the timeline of the Conference, and the Orders the court can make at the Conference and the Conference Report. All these and many more will be visited under this heading. However, it is important to reproduce the provisions of Pre-Trial/Case Management Conference and Scheduling under the FCT and Nasarawa High Court Rules and also by way or obiter make reference to Lagos Rules for proper appraisal of the subject matter. Order 27 of the FCT High Court Civil Procedure Rules, 2019 and Nasarawa State High Court Civil Procedure Rules, 2010 provided for Pre-Trial Conference while, Order 27 of the High Court of Lagos State Civil Procedure Rules, 2018 Provided for Case Management Conference and Scheduling at the Lagos High Court. Order 27 Rule 1 FCT High Court Civil Procedure Rules, 2019 provides thus:

Order 27 Pre-Trial Conference and Scheduling Settlement and Trial of Issues

On conclusion of pleadings, the parties shall within 7 days submit in writing to the registrar the material facts in controversy between them in the form of issues, which shall be noted by the court and set down for trial.

Where a party fails to comply with Rule 1, the court may proceed to set down the matter for hearing upon the issues submitted by the other party.

At any time before judgment, and where it appears necessary to the court, for the purpose of determining the real question or controversy between the parties, the court may amend the issues or frame additional issues on such terms as it deems fit.

Settlement of Documents

The court may direct the parties to settle all documentary evidence which the parties intend to rely on at the trial.

The provisions of this Order shall be subject to these Rules and any written law in force in the Federal Capital Territory, Abuja, regarding trial of cases.

Pre-Trial Conference Notice

The claimant shall apply within 7 days after close of pleadings for the issuance of a pre-trial Conference Notice as in Form 19.

Upon application by a claimant under sub-rule 1 above, the court shall cause to be issued to the parties and their legal practitioners (if any) a pre-trial Conference Notice as in Form 19 accompanied by a pre-trial information sheet as in Form 20 for the purpose set out below :

- (a) Disposal of matters which must or can be dealt with on interlocutory application;

- (b) Giving such direction as to the future course of the action as appear best suited for just, expeditious and economical disposal;
- (c) Promoting amicable settlement of the case or adoption of alternative dispute resolution. (d) Fix trial dates.

If the claimant does not make the application in accordance with sub-rule 1 of this rule, the defendant(s) may do so or apply for an order to dismiss the action.

Agenda

At the pre-trial conference, the court shall consider and take appropriate action on any of the following, or aspects of them, as may be necessary or desirable: Formulation and settlement of issues, Further and better particulars, Amendments, The admission of facts, documents and other evidence by consent, Control and scheduling of discovery, inspection and production of documents; narrowing the field of dispute between experts witnesses, by their participation at pre-trial conferences or in any other manner, Hearing and determination of objections on point of law;

Giving orders or directions for separate trial of a claim, counterclaim, set-off, cross-claim or third party claim or of any particular issue in the case, Settlement of issues enquires and accounts under Order 28, Securing statement of special case of law or facts under Order 29;

Determining the form and substance of the pre-trial order; and (l) such other matters as may facilitate the just and speedy disposal of the action.

Timetable

The pre-trial conference or series of pre-trial conferences with respect to any case shall be completed within 30 days of its commencement, unless extended by the judge, and the parties and their legal practitioners shall co-operate with the court in working within the time table. As far as practicable, pre-trial conference shall be held from day to day or adjourned only for the purpose of compliance with pre-trial conference orders. After a pre-trial conference or series of pre-trial conferences, the court shall issue a Report.

If a party or his legal practitioner fails to attend the pre-trial conference or obey a scheduling or pre-trial order or is substantially unprepared to participate in the conference or fails to participate in good faith the court shall: (a) In the case of the claimant dismiss the claim; (b) In the case of a defendant enter final judgment against him. Any judgment given under this rule may be set aside upon an application made within 7 days of the judgment or such other period as the pre-trial judge may allow not exceeding the pre-trial conference period. The application shall be accompanied by an undertaking to participate effectively in the pre-trial conference.

Management

The court shall direct the pre-trial conference with due regards to its purpose and agenda as provided under this Order, and shall require parties or their legal practitioners to co-operate with it effectively in dealing with the conference agenda.

If a party or legal practitioner fails to attend the Pre-Trial Conference or obey a Scheduling Order or is substantially unprepared to participate in the conference or fails to participate in good faith, the judge shall:

- (a) In the case of the claimant dismiss the claim

(b) In the case of a defendant enter judgment against him where appropriate.

Pre-Trial Conference and Scheduling under the Nasarawa State High Court (Civil Procedure) Rules 2010

Similarly, Order 27 of the Nassarawa State High Court (Civil Procedure) Rules 2010 provides as follows:

Pre-Trial Conference and Scheduling

(1). within 14 days after close of pleadings, the plaintiff shall apply for the issuance of a pre-trial conference Notice as in Form 19.

(2) Upon application by a plaintiff under sub-Rule 1 above, the Judge shall cause to be issued to the parties or their Legal Practitioners (if any) a pre-trial conference notice as in Form 19 accompanied by a pre-trial information sheet as in Form 20 for the purposes set out hereunder:

(a)disposal of matters which must or can be dealt with on interlocutory application;

(b)giving such directions as to the future course of the action as appear best adapted to secure its just, expeditious and economical disposal;

(c) Promoting amicable settlement of the case or adoption of Alternative Dispute Resolution.

Agenda

If the plaintiff(s) does) not make the application in accordance with sub-Rule 1 of this Rule, the defendant(s) may do so or apply for an order to strike out the action. At the pre-trial conference, the Judge shall enter a Scheduling Order for Joining other parties, Amending pleadings or any other processes, Filing motions, Further pre-trial conferences, Any other matter(s) appropriate in the circumstances of the case.

At the pre-trial conference, the Judge shall consider and make appropriate order(s) with respect to such of the following (or aspects of them) as may be necessary or desirable. Formulation and settlement of issues, Amendments of further and better particulars, he admissions of facts and other evidence by consent of the parties, Control and scheduling of discovery, inspection and production of documents;

Narrowing the field of dispute between expert witnesses, by their participation at pre-trial conference or in any other manner, Hearing and determination or objections on point of law;

Giving orders or directions for separate trial of claim, counterclaim, set-off, cross-claim or third party claim or of any particular issue in the case, Settlement of issues, inquiries and accounts under Order 27, Securing statement of special case of law or facts under Order 28, Determining the form and substance of the pre-trial order, Such other matters as may facilitate the just and speedy disposal of the action.

Timetable

The pre-trial conference or series of pre-trial conferences with respect to any case shall be completed within 3 months of its commencement, and the parties and their Legal Practitioners shall co-operate with the Judge in working within this time table. As far as practicable, pre-trial conferences shall be held from day to day or adjourned only for purposes of compliance with pretrial conference orders, unless extended by the Chief Judge.

After a pre-trial conference or series of pre-trial conferences, the Judge shall issue a Report. This Report shall guide the subsequent course of the proceedings unless modified by the trial Judge.

Sanctions

If a party or his Legal Practitioner fails to attend the pre-trial conference or obey a scheduling or pre-trial order or is substantially unprepared to participate in the conference or fails to participate in good faith the Judge shall: in the case of the plaintiff dismiss the claim or in the case of a defendant enter final judgment against him.

Any Judgment given under this Rule may be set aside upon an application made within 6 days of the judgment or such other period as the pre-trial Judge may allow not exceeding the pre-trial conference period. The application shall be accompanied by an undertaking to participate effectively in the pre-trial conference.

2.2 Commencement Procedure of Pre-Trial Conference under the Nasarawa and FCT Rules and who to apply for Pre-Trial Conference

By virtue of Order 27 Rule 10²² of the High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules 2018 and Order 27 Rule 1(1) of the Nasarawa State High Court (Civil Procedure) Rules 2010²³ the claimant is obligated by the rule to apply for the issuance of the Pre-Trial Conference 14 days in Nasarawa and 7 days in Abuja after the close of pleadings and where the claimant or plaintiff applies for the Conference, the registrar of the Court will issue Pre-Trial Notice as in Form 19 and a Pre-Trial Information Sheet as in Form 20. It is trite to state that while the Notice invites the parties to the conference, the Information Sheet allows the parties to highlight what interlocutory matters they intend to present which shall be on the agenda at the Pre-Trial Conference²⁴ however, it is trite to note that under Order 27 Rule 11 of the Abuja the court may, having regards to the circumstances of the case dispense with the Pre-Trial conference whenever it considers it expedient to do so but there is no similar provision under the Nasarawa State Rules.

2.2.1 What happens where the Claimant fails to apply for the Pre-Trial Conference after Close of Pleadings?

The law in Order 27 rule 10 of Abuja and Order 27 Rule 1(1) of Nasarawa State High Court Civil Procedure Rules is that, where the claimant fails to apply for the Pre-Trial Conference for the issuance of the two Notices, the defendant has two options; the defendant may apply for the issuance of the Notice or apply for the dismissal of the claimant case for want of diligent prosecution and seriousness to prosecute the case before the court.

2.2.2 Time Table at the Pre-Trial Conference and Scheduling

For there to be speedy determination of issues or matters to be dealt with at the Case Management or Pre-Trial Conference and Scheduling, the law prescribes time line or time frame for the conclusion of the Pre-Trial Conference and for taking of any step essential to the suit both at the conference and trial stage. Under the Abuja Rules, order 27 Rule 14, the timeline for the conclusion of the Pre-Trial Conference is 30 days from the day of the commencement, while under Order 27 Rule 4 of the Nasarawa High Court Rules, the time frame for the conclusion of the conference is 30 days from commencement to the end. The conference is expected to sit from

²² High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules 2018.

²³ N.25.

²⁴ N.20.

day to day and adjourned is allowed where it is expedient or to enable any of the parties to comply with the order of the court made at the conference.

By virtue of Order 27 Rule 15, Abuja and Order 27 Rule 5, Nasarawa the court as a matter of duty must issue a conference report at the closure of the sitting of the conference. The report serves as a guide to the court during trial. The report ultimately captures the issues or matters that have been dealt with by the court during the conference as well as future course of trial. The parties are expected to use the report as a guide in conducting their respective cases in court and none of the parties can rescind any matter already dealt with under the report during the conference.

2.2.3 Sanctions for Failure to Prepare, Participate or Obey Scheduling Orders

The two rules provided for serious sanctions on any party who refuse to partake in the conference or fail to obey a scheduling order made by the court sequel to any matter or issue dealt with at the conference. Order 27 Rule 16, Abuja and Order 27 Rules 6, Nasarawa State High Court Rules.

There is consequence for being a passive participant at the conference by any of the parties. and therefore, where a party fails to attend, participate or fail to comply with an order or unprepared to partake in the conference, the judge has the following power or sanctions; where it is the claimant who is not willing to participate, or obey a scheduling order made by the court during the conference, the court may dismiss his case. But where it is the defendant who is not willing to participate in the conference or obey any order made by the court, the court may enter judgment against the defendant. However, it is trite to note that the orders or entering judgment against the defendant or dismissal against the claimant can be set aside by the court on an application made by the affected party 7 days after the making of the order or such other period as may be allowed by the judge within the time frame of the conference with a strong writing undertaken by such party to participate actively in the conference.

2.3 Difference between Case Management in Lagos and Pre-Trial Conference in Abuja and Nasarawa State High Court Rules

One of the sharp differences between the Lagos Rules and Abuja/ Nasarawa High Court Rules is that under the Lagos Rules, Case Management Procedure is mandatory after the close of pleading. The parties are under obligation to apply for the issuance of the Case Management Notice after the close of pleading while under Order 27 Rule 11 of the Abuja and Nasarawa Rules, the Pre-Trial conference can be dispensed with where the court having regard to the facts and circumstances before it deems it expedient to dispense with the conference in the interest of justice. The judge under the Abuja rules is given ample opportunity to participate actively as an unbiased umpire during the conference and help the parties to resolve issues that are non-contentious between the parties in order to save the precious time of the court. One of the issues accounting for delay in the speedy dispensation of justice in Nigeria is the penchant of counsel to file frivolous action in court without proper appreciation of the issue if it truly discloses a reasonable cause of action or if there is any substantive law that govern those circumstances. Hence the need to have a forum before trial where all these issues can be taken care of and reduce the issue of abuse of court process which is now the order of the day in most civil matters pending before the various court in Nigeria starting from the Supreme Court to the Magistrate Courts.

One of the distinctive features of the Pre-Trial Conference and Scheduling procedure under both the Abuja and Nasarawa State Rules which is not under the Lagos State High Court Rules is the

provision for reference to mediation by the judge. Order 27 Rule 14, Abuja and Order 27 Rule 8(1), Nasarawa High Court Rules empower the judge to refer the case to mediation where it appears to the judge during the conference that the matter is best suited for mediation and not real litigation. While under Lagos Rules Order 27 Rule 13, the judge is to refer the matter to the Lagos Multi Door Court House.

3. Case Management Tools

One of the goals aimed at achieving with case management system is speedy dispensation of justice and this is achieved by the court through structured Pre-Trial proceedings of cases in a way that promotes the early exchange of information on key issues, so that the parties will be in a better position to evaluate their respective case in light of the new development, assert their defences and also achieve an early settlement of dispute. This is because our judicial system is in dire need of a fast case flow management system where parties are not left impoverished and embittered, a system where disputants could solve their problems and search for common grounds within the backdrop of integrity, understanding and human decency, creating a synergy of peace, fairness and effective administration of justice by avoiding anything that can occasion delay of justice. It is trite to note that case management through the use of timeframe, is not designed and implemented in vacuum hence, there should be organizational tools that, in order to give the expected result, need to be enforced and to support and enforce timeframe/case management, the responsibility needs to be shared and supported by the stakeholders to the administration of justice, therefore, according to Ali SAN,²⁵ he noted that in other climes, several cutting edge technologies and software have been introduced to aid case management, such as time and billing litigation support, research communication, data mining and modelling, data security, storage and archive accessibility, however, same cannot be said of Nigeria due to our peculiar circumstances and therefore, the only tool for case management in Nigeria is through the Court Rules. Even though attempt to introduce technological angle of case management in the country, this attempt has not yet been successful due to the lack of infrastructure needed to effect such²⁶ in agreement with the submission of the erudition of the learned silk Yusuf Ali, this research will therefore rely much heavily on court rules based case management tool used by the court registry as a way to entrench the culture of effective case management system. The following though inexhaustible are the various Court Rules Based Case Management tools used by the court in management of cases within the timeframe allowed by the Law. They are as follows:

3.1 The Frontloading System

The frontloading system is one of the most potent tools of case management system under the Nigeria Legal System. This is because prior to the introduction of the frontloading system which is primed on the Lord Wolf Reform in the United Kingdom, litigants through their counsel to file a writ of summons without supporting documents, which could be served on the other party before the statement of claim would be filed much later within the time allowed by the Rules of court and in most cases, applications were made to expand time, so the accompanying statement of claim was often time filed outside the time frame, hence, parties used that to file frivolous actions simply to achieve some ends, such as securing some injunctions and then go to sleep.

²⁵ Y Ali, SAN. "Judicial Case Management: Effectiveness or Interference" being a paper delivered on 11th April, 2019 at the 21st Commonwealth Law Conference held in Livingstone, Zambia. P. 9.

²⁶ Ibid.

And also under the old system, the witnesses statement and documents to be relied upon by the parties (except discoveries or notice to produced were employed) remained unknown to the adverse party until trial therefore, the frontloading system opened up litigation by making it mandatory for litigants to file the accompanying documents failing which the originating process will not be accepted for filing under the Abuja Rules or every State High Court Rules. In Lagos the suit is a nullity the advantage of the frontloading system is that it ushered in an era of total openness to litigation as opposed to the hide and seeks which characterized litigation in the past and it makes litigation faster, cost effective and courts more accessible. The Following documents must be filed as a matter of compliance with the Front-loading system. They are as follows:

1. Statement of claim;
2. List of witnesses to be called at the trial;
3. Witness statement on oath of the witnesses;
4. Copies of every documents to be relied upon at the trial;
5. Certificate of Pre-Action Counselling as in Form 6 in Abuja or Pre-Action Protocol in Lagos Form 01.

Hence, the new frontloading concept, makes the judges to be well placed to achieve speedy dispensation of justice by allowing the Pre-Trial judge to be abreast of all the necessary information for the disposal of the case including, evidence to be relied upon by all the parties to the disputes and also the participants are not in a ghost mode of waiting for the case of the other party,²⁷ the frontloading system eliminated springing of surprises that is often associated with commencement of action at the federal High Court and the Magistrate court by means of writ of summons. Parties can no longer file only the writ of summons without the supporting documents at the point of filing at the process registry. The frontloading system allows the judge and the registrar to even have a second look at the processes to see if the writ of summons together with the statement of claim discloses reasonable cause of action at all. This has helped in the promotion of ADR and other peaceful resolution of disputes.

3.2 Affidavit of Non- Multiplicity of Suit

One of the challenges facing the Federal High Court as a single court with several judicial division scattered through the State capital is the issue of multiplicity of suit in electoral cases or civil disputes. It is trite that section 251 of the Constitution clearly enumerated the civil jurisdiction of the High Court and section 285 of the same Constitution with respect to electoral matters. Litigants are found to institutes a pre-election suit in more than one division of the Federal High Court in the country. For instance a pre-election dispute like primary election to the House of Representative in Lagos state will be file simultaneously in Abuja and Lagos division of the Federal High Court with each court giving separate judgments in the same subject matter or cause of action. This issue of multiplicity of suit led to serious fall-out between INEC and nearly Political Parties in Nigeria with respect to recognition of which court order. INEC as the electoral regulatory body in Nigeria is always confused as to which of the two judgments of the courts should it obey or follow. In a bid to arrest these ugly trends, the new Federal High Court Civil Procedure Rules, 2019 came up with this new innovation in order to permanently bring closure to electoral disputes and also serves a workload relief on the court for speedy

²⁷ Ibid.

dispensation of justice. Order 3 Rule 3(1) (f) of the new Rules makes it mandatory for any Legal Practitioner filing any Civil action at any Federal High Court Division to file an Affidavit known as Affidavit of Non-multiplicity of Suit and is to be filed along all the originating processes at the point of filing at the Court Registry. This shows the commitment of the Federal High Court to preclude multiple suit in Civil Proceedings by demanding that Affidavit of Non-Multiplicity of Action be attached to the Writ of Summons, Originating Motions or Summons and Petitions at the commencement of the actions vide the Order 3 Rule 3(1)(f) , Order 3 Rule 9(2)(d) and Order 5 Rule 2(2)(d) of the Federal High Court (Civil Procedure) Rules, 2019 as a tool of good case management conference in Nigeria.

4. The Place of ICT in Case Management Conference

The place of Information Communication Technology abbreviated as ICT cannot be downplayed in any segment of production therefore; ICT has a critical role to play in the administration and speedy dispensation of justice in Nigeria. As observed by the European Union in one of its Report about the Use of ICT in Judicial Activity²⁸ that in last quarter of a century, ICT began to play an increasing role in the life of our society and as a result of this phenomenon, courts and judiciaries, whose traditional activities, practices and work were (and in many cases still are) based on paper (legal texts, case file, court registers etc.), are increasingly asked to adopt new technologies and to change the way they operate; while this request has been seen in some cases as a burden, in others it has been greeted with enthusiasm, as ICT offers many opportunities to reconfigure court activities, automate repetitive task, and improve efficiency.²⁹ Admirably, the use of ICT is considered as one of the key elements to significantly improve the administration of justice; the availability of web service, the possibility of consulting online court registers, legislation and case law, use of electronic filing, electronic exchange of legal document or originating processes, are a few examples that are spurring judicial administration around the world of rethinking their current functions and activities.³⁰ ICT can be used to enhance efficiency, access, timeline, transparency and accountability, thus helping judiciaries to provide adequate service, and in addition the use of ICT via internet can offer the chance to open the judiciary to the public providing both general and specific information on its activities and increasing legitimacy³² if there is anything that has change in the world since the scourge of Covid-19 pandemic that took the whole world by surprise is that the days of physical interactions as the main or medium of interaction in any human endeavour is gradually phasing out. It is on record that during the traumatic days of the pandemic every activity was grounded. The whole world quieted. No movement of person. Covid-19 sowed the seed of the importance of ICT and agency. The only human institutions that function optimally during this period were those institutions that have ICT backed up system of running their organization. Consequently, a key element that characterizes ICT innovations in the justice sector is that justice is the product of the combined effort of a plurality of actors and some of these actors, such as administrative personnel at the various court registries, and judges operates within the court, while others such as public prosecutors, policemen, lawyers, litigants and witnesses operates outside its organizational borders.³¹ For instance, there is no reason why a lawyer should not be able to file

²⁸ European Union Report on *Use of ICT in Judicial Activity*, Released on January, 2021 p. 1

²⁹ Ibid.

³⁰ See for example ‘ Justice System and ICT – What can be learned from Europe ?, *Utrecht Law Review*, <http://www.utrechtlareview.org/> volume 3, issue 1 (June) 2007.

³¹ Ibid.

a matter at his office through E-filing. It is interesting to Note that the National Judicial Council as a way of leveraging on ICT in the judicial sector initiated a campaign to develop case management software for the Supreme Court of Nigeria and a Legal Mail for all lawyers in Nigeria; this was intended to enable the Supreme Court to serve court processes by electronic means from July, 2018 but it is doubtful if this system is being utilized by both the lawyers and the Supreme Court Registry. It is a known fact that the Supreme Court as at today still accept paper filing and service is done manually and not electronically as envisage under the Supreme Court E-filing system. Also, the New Court of Appeal Rules which came into force on 1st of November, 2021 under Order 2 Rule 1 provides that a Notice of Appeal may be served electronically if the parties gave their Email address during the proceedings at the lower Court. While Order 20 of the same Rules stated that electronic filling is to run concurrently with manual filing. Order 24 specifically stated that: there shall be established a 24 hours electronic filing system in the Registry of the court, functional in all the judicial division of the Court, and for the electronic filing of the court processes and documents by the parties. in the same vein, the Ogun State judiciary in November, 2021 launched the case management and scheduling system to facilitate speedy dispensation of justice through the adoption of ICT judges of the High Court can access details of cases assigned to them by the office of the Chief Judge from their respective office at the click of a button from their laptop or their phone using their respective password or code for access. The Supreme Court has also validated the usage of ICT for service of court processes in the case of *C.M. & ES Ltd v Pazan Service Ltd*³² held: at this age of prevalence of information technology service of hearing notice through text message by the registrar of the Courts is good and sufficient notice”, Flowing from the above, ICT is a must if our judiciary is to perform their duty in the interest of justice. However, the adoption of ICT by our court is bedeviled with various challenges like illiteracy, poor internet facilities, lack of man power, underfunding of the judiciary; poor working condition of our court registry, poor maintenance culture and noncompliance by the judges and lawyer. Until all this myriad of issues are solved the usage of ICT in case management conference will suffer institutional collapse which will continue to lead to delay in the administration of justice in Nigeria.

ICT establishes a clear linkage to case flow efficiency by automating manual task, streamlining workflows, improving data access enabling remote operations within the judicial system.

Legal implication of e-filing on the other hand raises issues of legal validity, infrastructural gaps and data security requiring robust rules to regulate it so electronic documents can hold legal weight, addressing cyber security and ensuring power/internet for consistent implementation across courts. Some of the legal frameworks include

National Digital Economy Act 2024 which ensures electronic communications and records are not denied legal effect, so also electronic evidence (laws & rules that those for e-affidavit) ensure electronic evidence like recordings or digital documents can be tendered can be used in court, following procedures such as certificate of compliance.

5. Recommendations

Based on the above research and findings, the following recommendations are put forward:

³² (2020) 1NWLR (PT 1704) 70 at 95.

- i. Regular training and orientation programs should be conducted for court registrars and clerical staffs on the principles and procedures of case management to enhance efficiency and compliance with rules.
- ii. The judiciary should invest in digital case management systems (CMS) to automate case tracking, scheduling, and document filing across courts to eliminate delays caused by manual operations.
- iii. An institutional mechanism should be established within the National Judicial Council (NJC) or similar bodies to monitor the implementation of case management policies across courts and recommend improvements.
- iv. States should be encouraged to harmonize their civil procedure rules in line with best practices in case management to ensure consistency across jurisdictions.
- v. Judges must actively oversee the case management process and apply necessary sanctions where parties or court officials delay proceedings in contravention of established rules.

6. Conclusion

In conclusion, the Nigerian judiciary has laid a commendable legal and institutional foundation for the integration of case management into its justice delivery system through various court rules and judicial pronouncements. However, the practical implementation of these frameworks remains uneven, particularly at the court registry level where administrative inefficiencies and procedural lapses undermine the goals of timely and fair adjudication.

While the judiciary recognizes the importance of case management as evidenced in recent rules and decisions, a cultural and systemic shift in how these tools are applied is necessary. The true effectiveness of case management will only be realized when all components of the justice system, including registrars, court staff, and judges, internalize and operationalize the principles of early intervention, scheduling, continuous monitoring, and accountability in case handling.