

Civil Court Staff In Nigeria: Working Conditions And Legal Training For An Effective Procedure

By Ninette Nyalyen Ninyio¹

Abstract

In Nigeria, there is no clear distinction between a Civil Court and a Criminal Court however; a court may be referred to as civil court when it is exercising its civil jurisdiction. This paper looked at the working conditions of court staff in Nigeria alongside the legal training for an effective procedure obtainable therein with the view to critically examine how effective in practical situations these working conditions are demonstrated. The researcher in bringing to light the subject matter of this work, had exhaustively through the combination of both qualitative and quantitative research methodology consulted materials off and on field which served as the main tool that helped in wrapping this research work. The significance of this work cannot be overemphasised especially having regard to the fact that recently the incessant strikes that bedevilled the judicial sector had more often than not crippled the flow of activities therein are mostly attributed to either poor remuneration or unfair conditions of services when compared to other government establishments. It was against this backdrop that the need to look into this issue extensively became expedient so as to proffer headway that could in the long run aid in curbing some of these issues head-on. It was recommended that regular trainings be organised for the judicial staff as well as improved and better remuneration be given to these staff so as to help them stay focused and disabuse their minds from the surging bribery and corruption that today has become the bane in the system.

A. INTRODUCTION

It is an incontestable fact that the nature of physical condition under which employees work is important for optimal output. Conditions of work for most court staff in Nigeria are sadly but truly far from ideal and while it is expected that judicial staff should relatively have good offices and facilities, healthcare, and wages, that could only be said to have been adequately provided only in the minds of such workers. Conditions of service in the judicial sector have deteriorated remarkably due largely to repression, underfunding and irregular payment of salaries. Protests often staged by trade union leaders to ensure the improvement of some of these entrenched working conditions as contemplated by the Labour Act often results into loss of jobs or victimization by the government of the day. It is equally observed

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that income inequalities between the judicial staff and other government establishments aggravates the situation and there is little or no wonder why the output received from such court staff is at a pitiable level and their involvement in corrupt practices is on the increase.

During the 2015/2016 legal year dinner of Lagos State held at the Nigerian Law School, Victoria Island Lagos, governor Ambode reiterated the important role the judiciary plays as the last hope of the common man, stressing that the reforms carried out previously by the previous administration will be sustained.² Notably, the governor observed forcefully the issue of constant training of the judiciary staff via seminars so as to keep them a brace with new innovations in the global world. As seen glaringly from Lagos State which today is seen as the pioneer and pace setter in the judicial system all over Nigeria, Lagos state judiciary has witnessed the birth of reforms such as the office of public defender, citizens mediation centre, public advisory centre, the multi door court house system which offered alternative to dispute resolution mechanism, the construction of more courts as well as the appointment of magistrates and judges and the constant training and retraining of judicial officers and staff for efficiency and better productivity.³

It is also worthy of note that as seen above, Lagos State had to take the bull by the horns so as change the face of its judiciary through entrenchment of far reaching and industrious innovation that today other states are emulating, however, it is sad to state that this is not the case with most states of the federation wherein good condition of service as well as far reaching reforms are lacking which obviously affects the function and effectiveness of the judicial staff. This paper is set basically to critically examine factors responsible for their ineffectiveness in the judicial sector such as lack of adequate training and poor conditions of work. The paper is divided into two major parts: the first part dealt with civil court staff in Nigeria and working conditions as well as procedure therein whereas the second limb exhaustively dealt with factors responsible for their ineffectiveness and observations and recommendations thereto.

It is important at this point to give a basic clarification of certain terms which will be relevant to the present discuss.

I. CONCEPTUAL CLARIFICATION OF TERMS

1. Civil Court; Civil court is a government institution that settles disputes between two or more entities, typically in the same courthouse that also tries criminal cases.⁴ Typically, the function of a civil court is to determine liability of one party for the injuries, which do not necessarily need to be

2 *Lagos Television* Governor Ambode pledges better working condition for judicial workers, <http://www.lagostelevision.com/governor-ambode-pledges-better-working-condition-for-judicial-workers/> accessed on 9/2/2018.

3 *Ibid.*

4 *FindLaw* Civil Court Basics, <http://litigation.findlaw.com/legal-system/civil-court-basics.html> accessed on 5th February 2018.

2. Court staff; A staff could refer to a group of persons, as employees, charged with carrying out the work of an establishment or executing some undertaking.⁵ It could further refer to all employees who work for a company.⁶ A court staff can then be referred to an employee charged with the responsibility of carrying out assigned functions in a court.
3. Working conditions; The conditions in which an individual or staff works, including but not limited to such things as amenities, physical environment, stress and noise levels, degree of safety or danger, and the like.⁷
4. Legal training; Training refers to the process by which someone is taught the skills that are needed for an art, profession, or job.⁸ Legal training can then be defined as skills relating to law which a person is taught in order to improve his job.

B. CIVIL COURT IN NIGERIA

Nigerian legal system is essentially of colonial heritage which springs from the British colonial rule in Nigeria. It was modelled after the British legal system. Though today there are fundamental differences that exist between the British and Nigerian political organisation. While Britain adopts a unitary system of government wherein powers of government are legitimately concentrated at the centre, Nigeria on the other hand adopts a federal system of government wherein powers are constitutionally shared between the central government and the federating units or entities.⁹ Because of these differences, the hierarchy of courts in both countries differ significantly. But despite these significant differences, Nigerian legal system still retains some essential features of the British legal system.

Civil courts or jurisdiction refers to the adjudicatory powers exercisable by courts over civil matters.¹⁰ The term civil matters means a dispute between individuals and government and between governments, the result of which may be the award of damages, compensation, declaration of rights or prerogative or equitable remedies.¹¹ Civil courts are a creation of statute, and in Nigeria it is the Constitution that vests them with jurisdiction stated or prescribed therein. Courts of law cannot assume jurisdiction unless a statute empowers it to do so. This is because, jurisdiction cannot be implied nor can it be conferred by the agree-

5 *Thesaurus Staff*, <http://www.dictionary.com/browse/staff> accessed on 5th February 2018.

6 *The Law Dictionary* what is staff, <https://thelawdictionary.org/staff/> accessed on 5th February 2018.

7 *Business Dictionary* Working Conditions <http://www.businessdictionary.com/definition/working-conditions.html> last on 12th February 2018.

8 *Merriam-Webster Dictionary* Training <https://www.merriam-webster.com/dictionary/training> accessed on 5th February 2018.

9 *Justus Sokefun and Nduka C Njoku*, The Court System in Nigeria: Jurisdiction and Appeals,; International Journal of Business and Applied Social Science USA 2016<https://ijbassnet.com/app/publications> accessed on 6th February 2018.

10 *The Tide Civil Jurisdiction of Courts in Nigeria*, <http://www.thetidenewsonline.com/2015/07/15/civil-jurisdiction-of-court-in-Nigeria/> accessed on 9/2/2018.

11 *Ibid.*

ment of parties. Once a court with civil jurisdiction lacks competence to entertain a matter, whatever is done in that regard is considered fatal and irreparable.¹²

In Nigeria today, we have hierarchy of courts wherein judicial powers of civil courts are conferred. The Constitution of the Federal Republic of Nigeria, 1999 (as amended) expressly recognizes the following Courts as superior courts of records in Nigeria:

- a) The Supreme Court
- b) The Court of Appeal
- c) The Federal High Court
- d) The High court of the Federal Capital Territory, Abuja
- e) A High Court of a State
- f) The National Industrial Court
- g) The Sharia Court of Appeal of the Federal Capital Territory, Abuja
- h) Sharia Court of Appeal of a State
- i) The customary court of appeal of the Federal Capital Territory, Abuja
- j) A customary court of Appeal of a State.¹³

This arrangement is in order of hierarchy. So, the Supreme Court is the highest Court in Nigeria.¹⁴

C. CIVIL COURT STAFF IN NIGERIA

In the Nigerian court system, there are various officers who work in the courts to ensure an effective procedure and they include;

- I. COURT REGISTRARS; A registrar has been defined as an officer who has the custody or keeping of a registry or register.¹⁵ A registrar is an official in a court in charge of the registry of the court.¹⁶ The work of a registrar though not adjudicatory, is complementary to the judicial and administrative functions of a judge or magistrate and without him coordinating the other staff of court; justice delivery would more or less be an impossible task to achieve. There are two types of Registrar within the context of the Nigerian judiciary. The first being the Chief Registrar and his deputies, who are lawyers called to the Nigerian Bar and are eligible to be appointed to the higher bench, they are also the accounting officers of their respective courts and are usually appointed from the magistracy. The other category of registrars are those that are not lawyers, they are

12 Ibid.

13 Section 6(6) Constitution of the Federal Republic of Nigeria, 1999 (as amended).

14 *Naija legal talk* Courts in Nigeria and what they do <http://www.naijalegaltalkng.com/article/other-important-legal-info/265-courts-in-nigeria-and-what-they-do> accessed on 5th February 2018.

15 *The Law Dictionary* what is a Registrar <https://thelawdictionary.org/registrar/> accessed on 4th February 2018.

16 *Wikipedia* Registrar (Law) [https://en.wikipedia.org/wiki/Registrar_\(law\)](https://en.wikipedia.org/wiki/Registrar_(law)) accessed on 5th February 2018.

well educated and certified in other professional callings other than law. These categories of officers when recruited into the judicial system are given adequate and appropriate training on how best to handle judicial matters and processes tailored to their schedule of duties and responsibilities.¹⁷ The Chief registrar is in charge of organizing trainings for other court staff within the Nigerian judiciary and the other functions of a registrar includes but are not limited to;

- a. As the head of the registry, he ensures proper day to day administration of the court registry
- b. The registrar co-ordinates the handling of all court processes e.g. issuance of hearing notices, warrant of arrest, summons etc.
- c. He undertake supervision of work of all staff deployed on litigation duties
- d. He makes arrangement for court sitting and gives necessary assistance to the judge in the open court
- e. He helps in the administration of Oath and Affirmation on witnesses appearing in court
- f. He maintains record books in accordance with the rules of court and preparation of the court proceedings e.g. rulings and judgments for interested litigants and lawyers in addition to when such matter is going on appeal
- g. He must ensure proper maintenance and disposal of attached property and exhibits in his custody
- h. He must ensure the preparation of quarterly returns of cases filed and disposed
- i. He must see to the execution of court Judgments and Orders
- j. He prepares for endorsement by the judge certified true copies of the court proceeding(s) for any party to the suit who may request for such.¹⁸

From the foregoing, it is obvious that the registrar that who performs the above functions can be equated to the engine of a car in the attainment of an efficient judicial procedure in Nigeria.

II. COURT CLERKS; A court clerk is an officer of the court whose responsibilities include maintaining records of a court.¹⁹ His duties include but are not limited to the following:

1. He makes all necessary arrangements for court sittings and sits in court with a magistrate or a judge
2. He handles such tasks as contacting litigants and provides answer(s) to inquiries about court proceedings i.e. he provides clerical support for judges and gives de-

17 *Olomo Abdulazeer* The role of Secretaries, Court Registrars, Process Clerks and Bailiffs in the Administration of Justice www.nji.gov.ng/Workshop_Papers/T... accessed on 9th February 2018.

18 Ibid.

19 *Wikipedia* Court Clerk https://en.wikipedia.org/wiki/Court_clerk accessed on 5th February 2018.

tails of court proceedings, such as arranging trial dates, scheduling court appearances and sending court orders.

3. As part of maintaining and managing court office records, they may also serve as liaisons to collect basic information from attorneys, witnesses, plaintiffs and defendants
4. He helps in the preparation of court processes for judge's signature e.g. warrants, summons etc.
5. He interprets the court proceedings in the open court
6. The court clerk is the officer responsible for among other things; opening of case files, custody of record books, exhibits and other court documents.²⁰

III. SECRETARIES; this refers to one employed to handle correspondence and manage routine and detail work for a superior²¹

1. He is responsible for the daily typing of the cause list and proceedings of the court
2. He is also saddled with the responsibility of typing all mails and correspondences, which includes the receipt of all mails and correspondences and files them appropriately in clearly marked subject files
3. He screens and receives all telephone calls to his court
4. He screens, receives and attends to all visitors/guests who are there to see the judicial officer
5. He must also keep records of all appointment(s) of the judicial officer, be it official or otherwise, to enable him give timely reminder of such appointments to his boss

IV. BAILIFFS OF COURT; an officer, similar to a sheriff or a sheriff's deputy, employed to execute writs and processes, make arrests, keep order in the court, etc.²²

- a) Attending court sessions and giving testimony for cases in respect of which summons have not been effected or served
- b) Executing orders of the courts arising from civil or criminal proceedings
- c) Keeping up to date register of all court processes issued by the court for service
- d) To assist in conducting auction sales of unclaimed, forfeited or attached goods on the order of the court and duly keeping certified sale accounts of all monies collected in court
- e) Facilitate the arrest of absconding culprits or parties and bring them before the court or the nearest police station or prison for custody
- f) Deposition to an affidavit of service, for processes which service has been effected.

20 *Olumo Abdulazeez* The role of Secretaries, Court Registrars, Process Clerks and Bailiffs in the Administration of Justice www.nji.gov.ng/Workshop_Papers/T... accessed on 9th February 2018.

21 *Merriam Webster Dictionary* Secretary <https://www.merriam-webster/dictionary/secretary> accessed on 5th February 2018.

22 *Thesaurus.com* Bailiff <https://www.dictionary.com/browse/bailiff> accessed on 5th February 2018.

It is also important to state that every civil court within the hierarchy of superior courts in Nigeria has these court staff attached to it.

D. THE ROLE OF JUDICIAL EMPLOYEES IN THE ADMINISTRATION OF JUSTICE

The role played by staff of civil court in the administration of justice cannot be overemphasized. It will be impossible to achieve or dispense justice smoothly without the services/ input of their support staff. For the purpose of clarity, civil court staff in Nigeria includes but is not limited to Court Registrars, Court Secretaries, Court Clerks and Bailiffs of the Court. In buttressing what has been stated above, let me draw inspiration from the speech of the former Chief Justice of Nigeria, Hon. Justice I.N. Katsina-Alu, GCON, at the National Workshop for Court Registrars and Clerks in June 2011, where he said and I quote ‘...the contribution of court personnel was indispensable as it would fast track the desired standard and improvement in justice delivery.’²³

In Nigeria, the Court Registry is manned by Judicial Employees under the leadership of Court Registrar, who supervises the activities of the bailiffs and clerks of such court. It is of utmost importance to state here that the central registry of any court should be manned by experienced personnel of the court who understand and appreciate that his office is the face of that court that is, the mirror through which the public sees the judiciary within and outside the locality where the court operates.²⁴

It is also important to note that the role of the support staff in the administration of justice is key and fundamental to the realization of justice in Nigeria and it cannot be overemphasized; neither can their contributions towards attainment of justice be quantified. You will agree with me that the first contact between a court user and the court is the Registry and whatever a court staff does in his or her capacity affects the quality of justice as well as the confidence of the litigants in our courts. If by that first contact, he/she is found to be corrupt, unorganized, uncouth in language, dishonest and above all unpleasant, a would-be litigant will undoubtedly develop a negative perception of the likely result he may get from the court.²⁵ He may believe that justice can only be obtained under certain dirty conditionality, and perhaps some litigants may be compelled to do what corrupt court staff want them to do, that is, greasing their palms.²⁶

23 Olomo Abdulazeez, *The role of Secretaries, Court Registrars, Process Clerks and Bailiffs in the Administration of Justice* www.nji.gov.ng/Workshop_Papers/T... accessed on 9th February 2018.

24 Ibid.

25 Ibid.

26 Ibid.

E. WORKING CONDITIONS OF COURT STAFF IN NIGERIA

It must be stated at this point, that the working conditions of most court staff in Nigeria are deplorable and it is even worse for staff working in the courts located at the lower strata of courts in the country. These conditions range from old and deplorable infrastructure, poor or zero power supply, lack of modern state of the art facilities such as computers, microphones, recorders, air conditioners, intercoms and electronic filing systems. It will appear that with the absence of most of the facilities which should ordinarily enhance effectiveness in the work place, most court staff are unapologetically nonchalant about their jobs. It is rather sad that a lot of wrong practices keep increasing within the Nigerian Court system mainly because court staff often found themselves working under conditions which are better left imagined. Using Plateau State judiciary as a case study, an empirical research was conducted by the present writer and it was discovered that court staff actually work most times without electricity supply so even when the courts get stuffy and hot, they only have the option of using hand fans to help themselves and this contributes to the fact that most of them work below the required number of hours and then they abandon the office and retire back to their personal businesses. Additionally, since there are no electronic gadgets to be used in recording court proceedings the court staff will obviously have to write down what transpired during proceedings and this will then increase the chances of vital information being left out.

One other aspect of the condition of work which appears to have limited the effective discharge of services by court staff is remuneration. During this research, it was discovered that most court staff within the Plateau State judiciary earn little compared to what civil servants working under the Federal government establishment earn and they have no incentives attached to their work to encourage them. It is my opinion that this could explain the reason for the corrupt practices engaged in by some of them. One of such practices includes the overcharging of judgement creditors during application for execution of judgement by court Bailiffs and this makes me wonder whether such a judgment creditor should worry about recovering the judgement sum or giving tips to the hungry Bailiffs. It is a truism that the Nigerian judiciary has been bedevilled by incessant strikes which is anchored on funds. In 2015, Judicial Staff Union of Nigeria (JUSUN) which is the trade union of judicial employees embarked on a strike as a result of the government failing to obey the court order which prevented it from withholding funds meant for the judiciary.²⁷ This strike lasted for about six crippling the activities of court staff totally and it just further explains why it has been a herculean task achieving an effective procedure within the Nigerian judiciary.

Furthermore, it is sad to know that most court Bailiffs work under severe risks especially when the service of court processes and execution of judgement is involved. There have been several instances where bailiffs were assaulted in the course of their duty and some of such instances include the beatings by litigants, hired thugs, the unwarranted armed and

27 *Daily Independent* Nigeria: The Lingering Jusun Strike and Its Consequences on the Judiciary <http://allafrica.com/stories/201503240363.html> accessed on 10th February2018.

civil forces directed towards these bailiffs and other court staff at locations where writs of court are to be served or executed are so many and some cases to buttress this fact include the case of *Okey Agwu v Polycarp Ohanyere*²⁸ before the Chief Magistrate's Court, Onitsha, Anambra state where bailiffs on getting to the locus of performing their duty, were kidnapped together with the lawyer who was in their company by unknown thugs and could not execute the order of court. Not only that order of court was not executed, the counsel and the bailiffs were thoroughly beaten and starved of food and water in an undisclosed location for about two days.²⁹ Also, there is another case of Mr Abraham Ifijeh, a bailiff of the Court of Appeal, Benin Division, who went to serve court processes, and got the beating of his life. The court papers were part of Form 48 Notice to the Speaker of Edo House of Assembly, Mr Victor Edoror, over the swearing in of Sylvanus Eruaga as a member of the assembly representing Etsako West Constituency 11.³⁰ Additionally, sometime in January 2016, a female bailiff attached to the High Court in Umuahia, Abia State, who went to serve court papers on a serving senator at the Arochukwu Stadium of the state, was shouted at by the senator, who also ordered his boys to beat her up. She was rescued by sympathisers who were acquainted with her.³¹ In 2017, a similar incident took place in Ilorin Kwara where a bailiff went to the University of Ilorin to serve court processes in a defamation suit and he was assaulted by the security of the school. The bailiff, Mr Wasiu Suleiman after the incident, managed to call his superior in the office that went to the campus with a warrant of arrest and a police officer that arrested the Chief Security Officer of the University and other suspects.³² It is rather unfortunate that such experiences have been recorded in many states of the federation and it's still going on unabated. In a Country like Nigeria where rule of law is to be upheld such cases of assault meted out on court bailiffs have found its way into different parts of the country. As the country's democracy grows, it is expected that respect for the rule of law and the sanctity of the courts, should also become stronger.³³

In *First Bank of Nigeria Plc. v TSA Industries Limited*³⁴, the Supreme Court of Nigeria held that it is the duty of the judge, who is seized with the proceeding before him to ensure that there is proper service of the process on the other party who may be affected by the outcome of the proceedings before it. Where a court proceeded to determine the matter before it without a proper service, the proceeding would amount to a nullity. It is not only null and void but also unconstitutional. These further buttresses the fact that the working conditions of civil court staff in Nigeria is really pathetic.

28 Suit No MO/1829/2005.

29 *Supra.* .

30 *John Chukw Azu Attack on Court Bailiffs* is attack on Judiciary <https://www.dailytrust.com.ng/news/law/attack-on-court-bailiffs-is-attack-on-judiciary/148075.html> accessed on 10th February 2018.

31 *Ibid.*

32 *Obor Uvwere Unilorin Security assault Court Bailiff* <http://armada.ng/unilorin-security-staff-assault-court-bailiff/> accessed on 10th February 2018.

33 *Ibid.*

34 (2010) 15 NWLR (Pt. 1216) 247 SC.

F. TRAINING OF COURT STAFF IN NIGERIA

In the course of this research, it was discovered that legal training are hardly conducted for court staff in Nigeria and this explains for the inefficiency that is sometimes exhibited by this court staff. To determine the frequency that these trainings are conducted, I had to administer questionnaire to the court staff working in various courts within Plateau State and I was surprised to discover that some of the court staff had never undergone any training since they were employed, others who had undergone training said it was organised by Federation of Christian Students (FCS) a faith-based organisation and only a sizeable number had actually undergone training that was organized by the government. This makes me wonder that if a faith-based organization will conduct training for court staff will it not amount to buying the conscience of those judicial staff. I think that the government should step up to its responsibility in training court staff if an effective and efficient judiciary is to be achieved in Nigeria. For court staff to effectively play their role they must be well educated and specially trained in judicial processes in addition to having requisite case and court management skills. It is quite evident that the duties of Court staff commence from the moment the litigant approaches the court till the very last moment when judgment delivered in court is given effect to.

Additionally, in the course of court proceedings there is usually a challenge of language barrier where litigants or witnesses do not understand the language of the court which is English and the need for interpretation arises. Most court Clerks who are charged with the responsibility of interpreting cannot understand the language which those litigants or witnesses speak which ordinarily could be remedied by such trainings if organised by the government.

G. CONCLUSION/ RECOMMENDATIONS

Court staffs, just as any other employee of government, also have their own challenges. Every court staff is important in the attainment of an effective procedure within the judiciary and the government should wake up to its responsibility and ensure that these staff work under conditions which bring out the desired result if an effective legal procedure is to be attained. Court staff in Nigeria serves as one of the most visible mirrors any litigant will come in contact with, they are equally the vessel through which effective procedure can be achieved in Nigeria and their importance cannot be overemphasized because even a Judge will be unable to discharge his adjudicatory function without the various court staff discharging their function efficiently. The foregoing having been said, the following recommendation have been drawn.

1. Judges should carry out an oversight function of the activities of the Registrar especially as it relates to the training of court staff so that equal opportunity will be given to each staff to ensure efficiency.

2. Security personnel should be attached to Bailiffs when they are going to effect service of court processes so as to avoid incidences of Bailiffs being assaulted in the course of their duty and also, strict punishment should be given to those who commit these heinous crimes.
3. Trainings should be organized by the government regularly to discourage nongovernmental organizations from stepping in to fill in the gap created thereby making court staff feel like they owe such organizations favour in return for having their interest at heart. Clerks should equally be trained in the languages prevalent within the jurisdiction of the court were they are stationed.
4. Remuneration of court staff should be improved and bonuses should be included in their welfare package so that when the general public is being sensitized on the need to stop encouraging corruption through payment of tips to court workers, they will see need to corporate with the government in sanitizing the judiciary. Exciting welfare packages such as accommodation and transportation should be made available to court staff so as to encourage them work effectively. This could be attained by really making the judiciary independent in respect of their funds.
5. Courts should be equipped with the requisite facilities such as air conditioners, microphones, recorders and computers which will make the work environment conducive and thereby give room for efficiency in the judiciary.

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