

# Court Records Management and Efficient Administration of Justice in Nigeria

**Abiola Abioye**

*Department of Library, Archival and Information Studies*

*University of Ibadan*

*Ibadan, Nigeria.*

*biolaabioye@yahoo.com*

## **Abstract**

*This study investigated the records management practices in Nigerian courts as they affect the administration of justice in Nigeria. Focusing particularly on the Court of Appeal and the Supreme Court of Nigeria, the population of the study comprised 634 records personnel out of which 160 were purposively sampled. The descriptive survey research method was adopted with questionnaire, interview and observation as the instruments for data collection. The study established that courts in Nigeria generated huge volumes of records predominantly in paper format but the management of the records did not follow the critical elements of records life cycle model. This had some adverse implication for efficient administration of justice in the country. Based on the findings, the paper made a case for the formulation of a comprehensive records management policy for court records and the implementation of an integrated records management programme in Nigerian courts to facilitate efficient administration of justice in Nigeria.*

## **Keywords:**

Court Records, Records Management, Archives Management, Administration of Justice, Nigeria.

## **Introduction**

Records play a crucial role in the administration of justice. Without records, the administration of justice would be impossible as they constitute the bedrock upon which the judicial service in any country is

built (Musembi, 1999). Court records are official legal records (Shepard, 1984) and they constitute an important category of legal records. They are invaluable source-materials that document the process of the enforcement of legal rights and obligations. Law is the basis of most institutions and a way of regulating and adjusting the desires and claims of men in an organised society (Jordan, 1970). Court records are the evidence of the activities involved, therefore, constitute an invaluable asset to the society.

Adjudication in cases and protection of people's rights could be impossible in the absence of records. Paucity of records may not only occasion delay but also lead to "still birth" in the delivery of justice. More than any other institution, the courts depend very heavily on records in discharging their responsibilities. Without records, the court will become the "lost hope" of the common man. Oputa (1993) observed that "law is part of life and life, law and justice are inseparable". By extension, records and justice are inseparable, as records constitute an essential ingredient for the administration of justice. Besides, the courts also generate a great deal of records in the course of their operations which document the process of administration of justice. Little wonder that the term 'record' originally denotes the written documents kept by a court as evidence of its proceedings (Report of the Committee on Legal Records in Britain, 1966).

The doctrine of judicial precedent or *stare decisis* by which a lower court is bound to follow the decision of a higher court is a well-tested doctrine which the courts guard jealously and which makes for the certainty of the law and prevents judicial anarchy. As observed by Amaizu (JCA) in the case of *Okafor V. Okafor (2002) F.W.L.R (Part 120) 1712* at page 1725, "The common law system which this country {Nigeria} inherited from Britain depends on binding precedents". The doctrine is promoted and made effective by the availability of records.

Equally important to the judicial system is the

plea of *res judicata*. The plea postulates that once a matter or an issue between parties has been conclusively litigated upon and decided, it cannot be raised again between the same parties. The plea, according to Igu (JSC) in *Ezeanya v. Okeke (1995) 4 S.C.N.J. 60 at p. 77* “is an application of the rule of public policy that no man shall be vexed twice for one and the same cause on the same issues”. *Res judicata* is a valid defence in appropriate cases. The plea can only be sustained by relying on records.

### **Administration of Justice and Court Structure in Nigeria**

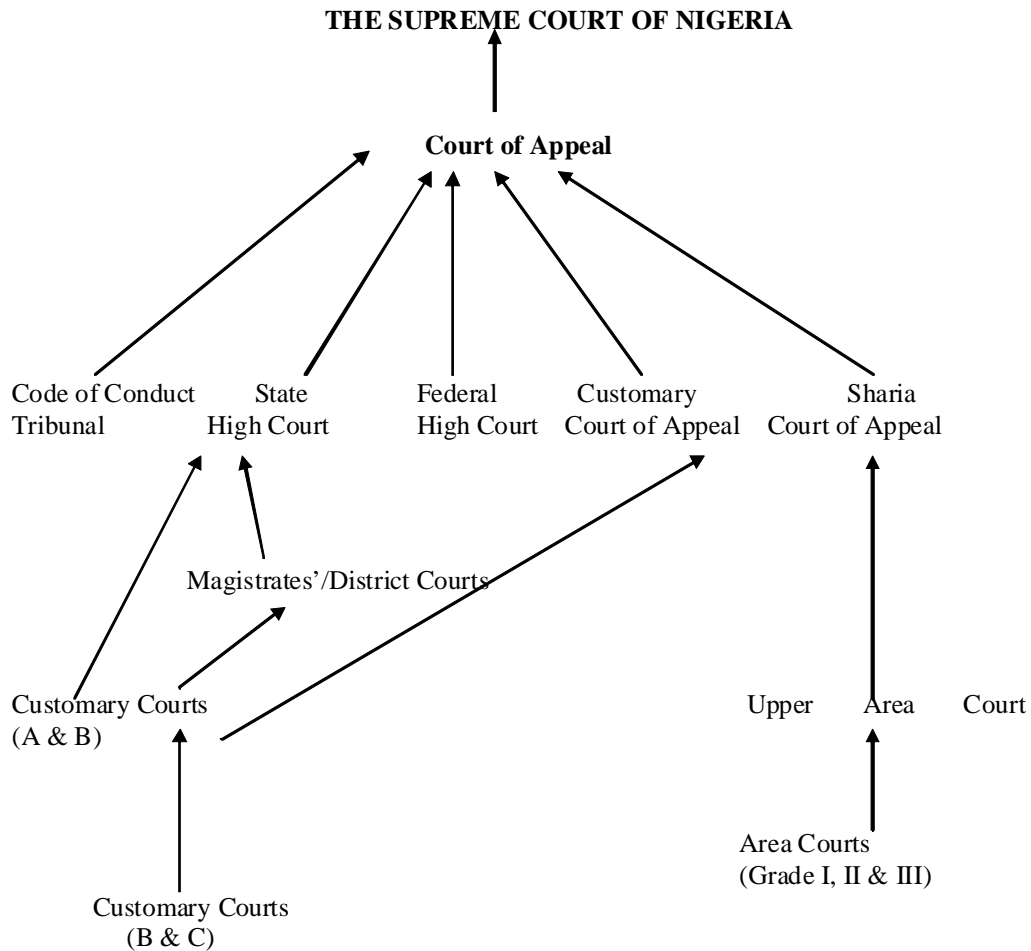
In Nigeria, the court was one of the first official institutions introduced by the British administration. The necessity to administer some form of justice between African and European traders along the Niger Coast informed the establishment of the courts of equity, the first of which was set up in Bonny in 1854 (Adewoye, 1977). By 1872, consular courts were established. These courts existed independent of the courts of equity and the consul’s jurisdiction covered old Calabar, Bonny, Cameroon, Degema, Brass, Opobo, Nun and Benin Rivers. The term ‘justice’ derives its origin from the Greek word “*justium*” or “*jussum*” which means, “that which has been ordered” (Lamikanra, 2003). The very essence of justice is fairness, equity, good conscience and affirmation of the rule of law. According to Haruna (1990), the administration of justice is, therefore, aimed “at furthering national unity, patriotism, public security, peace, order and good government”. At the heart of the administration of justice are the courts, which occupy a unique position in the justice system. It has been observed, and it is undeniable that “the establishment of courts was a very big step forward on the human road to peace and progress” (Oputa, 1981). It can therefore be asserted that the generation of court records in Nigeria dates back to the nineteenth century when the English judicial institutions made their first appearance in the country.

Perhaps it is pertinent to mention that the establishment of the English courts did not mark the beginning of the administration of justice in Nigeria.

The customary law was, before this time, the sole legal system even though it largely unwritten and was administered by customary tribunals that were not governed by any written rules (Aguda n. d.). The traditional and informal justice system met by the British was, however, allowed to exist side by side with the English legal system provided its rule satisfied the repugnancy doctrine of not being contrary to natural justice, equity and good conscience. Today the customary courts or the Area Courts in Northern Nigeria are part of the judicial structure of the country. They are at the lowest while the Supreme Court of Nigeria is the highest and the final court for the country. In between is the Court of Appeal, which is next to the Supreme Court. It is followed in hierarchy by the Federal High Court, the High Court of the Federal Capital Territory, Abuja, High Court of a State, Sharia Court of Appeal of the Federal Capital Territory, Abuja, Sharia Court of Appeal of a State, Customary Court of Appeal of the Federal Capital Territory, Abuja, and Customary Court of Appeal of a State which are all courts of co-ordinate jurisdiction and the Magistrate’s/District Court. Figure 1 shows the structure of the courts system in Nigeria.

The survival of the court system and, indeed the administration of justice are closely tied to the availability, use and proper management of records. Delay of cases in courts could be occasioned, among other factors by poor records management practices. The consequence of delay of cases is enormous for litigants, counsel, judicial authorities and the society at large. For litigants, delay translates to increasing cost of litigation in addition to the trauma associated with the long waiting period in obtaining justice. The resultant pain and frustration experienced by the litigants and their counsel make recourse to the judicial process unattractive. This situation does not augur well for the image of the judiciary and can promote recourse to extra-judicial means of settling disputes and consequent anarchy. It is in the light of the foregoing that this study investigated the court records management practices in Nigeria with particular focus on the Court of Appeal and the Supreme Court of Nigeria.

### **Structure of Court System in Nigeria**



### Adapted from Alabi (2002)

In the light of the problem stated above, the following set objectives guided the study:

1. Identify the types and formats of the court records generated by the Court of Appeal and the Supreme Court of Nigeria.
2. Find out whether the institutions have a records management policy and to analyse the policy (where available) in the light of standard records management practices.
3. Establish the record filing/classification system in use in the institutions.
4. Identify the type of finding aids in use, how long it takes to retrieve records and whether the institutions experience misplacement or loss of records.
5. Find out whether the institutions undertake records disposal activities and how these are done.
6. Establish how often records are appraised and whether the records are governed by records schedule.
7. Find out whether the institutions have a records centre and archives and the state of such records centre and archives.

### Literature Review

Court records constitute invaluable source – materials (Greenwood & Bockweg, 2012). They assist in the enforcement of rights and obligations of organisations (private or public) and individuals International Records Management Trust (IRMT), 2011. They document and serve as evidence of the activities involved in the enforcement of such rights and obligations. Oputa (1993) underscored the importance

of law in the society. It is a way of regulating and adjusting the desires and claims of men in organised society. The records of the activities involved are by no means less important.

Solomon (1979) was of the opinion that court records enable the society to develop further its ideas of the process of adjudication and to have a better understanding of the social, political and economic concerns affecting legal development. Court records, according to Gersack (1973), are among the most fruitful (and least harvested) sources of historical data of inestimable value. He was of the opinion that “when Archivist acquires court records he becomes the custodian of source materials covering the spectrum of human experience” (Gersack, 1973).

Dumbauld (1973) stressed the importance of availability of judicial opinions to lawyers and judges, which assists the doctrine of precedent or *stare decisis*. The rule of *stare decisis*, according to him, is a genuine use of historical processes within the legal system itself. Connor (1960) emphasised the value of court records as sources of history. They are valuable sources for historical research. According to Connor (1960), the writing of the history of any unit of government is incomplete without recourse to court records that invariably contain the ultimate meaning and sometimes the original cause of the actions of the executive and legislative branches of government.

Shepard (1987) highlighted the research value of court records, particularly criminal records of the court. According to her, they throw light on the nature and types of crime over a given period. The US Federal Bureau of Investigation (2010) acknowledged the value of records for law enforcement. In apparent appreciation of the importance of this category of records to a legal historian, Kates (1987) submitted that the absence of these records in archival depositories presented a hindrance to the writing of legal history. World Bank (2002) rated court records as the basis and substance of court management and described them as “part of the very heart of any modernization process to improve the efficiency and delivery of justice to the citizens.” Despite their importance, court records seem to suffer absolute neglect and poor management. This constitutes a big threat to government programmes, processes and service

delivery including the administration of justice (IRMT, 2011).

Over the years, there has been widespread disenchantment with the Nigerian judicial system (Lamikanra, 2003) due to inordinate delay often experienced in the administration of justice. Delay as the principal factor for popular discontent with the administration of justice has, for several decades, received the attention of jurists all over the world. Miller (1978) reported that as far back as 1906, Roscoe Pound had emphasised the issue of delay and singled it out as the major consideration for administrative reform of the judiciary in America. Unprecedented delay is a manifestation of decline in the administration of justice (Agbakoba, n. d.) and a disincentive to invocation of the machinery of justice by aggrieved citizens to enforce their rights.

Efficient administration of justice is considered to be dependent on a number of factors. These include the registry and its officials (Olali, n.d.), availability of material resources and modern technology (Lamikanra, 2003), the quality of the judge (Sagay, 1988) and dedicated lawyers and judges (Burger, 1990). It is rather unfortunate that the importance of court records and good records management programme seems to have rarely been identified as an important factor in ensuring efficient administration of justice in Nigeria. Even when the registry is considered as a critical factor in the administration of justice, the emphasis is usually on the competence of its officials.

The ability to process and make records available at the right time together with the proper documentation and preservation of records relating to the judicial process is the hallmark of the registry of any judiciary. Poor records management can, therefore, affect efficient administration of justice and bring about delays that can erode the people’s confidence in the judicial system.

The extent to which records aid the administration of justice depends on the records management practices of the judiciary. Records management entails the control of recorded information (record) throughout its life cycle. The life cycle of records begins at creation and moves through maintenance and use to its final disposal. Three stages of current (active), semi-current (semi-active) and non-current (inactive) are, however, discernible in the life span of records (Enwere, 1992).

Specific elements are associated with each of the phases of the records life cycle (Rhoads, 1989) to ensure proper control of records. A good records management policy is crucial to the records management programme of any institution or organisation. In the absence of a records management policy, the programme becomes haphazard and uncoordinated. Availability of records storage facilities and equipment also helps in sustaining a records management programme. Technical support and qualified records management staff are no less important in records management.

Proper management of court records is an essential requirement for efficient administration of justice (Motsaathebe and Mnjama, 2009) and protection of people's rights. Efficient administration of justice cannot be expected in an environment where court records are difficult to retrieve or are susceptible to loss (Musembi, 1999). The consequence of poor records management in a court environment is that cases are delayed or stalled which in effect means that justice is delayed or denied. A situation whereby the rights of individuals are violated without any redress will lead to loss of faith in the judicial system and a resort to self-help and consequent anarchy.

The World Bank (2002) identified the management of court records as a cornerstone of the overall efficiency of the courts, records being the basis and substance of court management. Stressing the importance of court records and court records management further, the World Bank stated that "statistics drawn from court records serve as a roadmap for court administrators and presiding judges alike" and that "proper records management is of special interest to court users who often cannot afford the consequence of delays, corruption and inaccuracies" (World Bank, 2002). Proper court records management facilitates the administration of justice and this, in turn, enhances the image of the judiciary and brings about the much-desired peace in the society. It also "allows judges and attorneys ... to research old cases that may have an impact on the outcome of their current cases" (Office of Court Administration (OCA), New York State, 2008).

However, the importance of a records schedule in the implementation of a records management programme cannot be over-emphasised. Penn, Pennix and Coulson (1994) have itemised the objectives of records scheduling as follows:

- (a) the prompt disposal of records whose retention period have ended;
- (b) the storage of records which must be temporarily retained after they were no longer needed in current business; and
- (c) the preservation of records which were of longer-term value.

## Methodology

The study employed the descriptive survey research design. The population of the study comprised 634 registry personnel of the Court of Appeal and the Supreme Court of Nigeria who were responsible for records management in the institutions. While the Supreme Court of Nigeria is based in Abuja, divisions of the Court of Appeal are located across the country. As at the time of this study in 2012, there were sixteen divisions of the Court of Appeal. A purposive sampling technique was adopted to select five divisions of the Court namely Abuja, Enugu, Ibadan, Kaduna and Lagos. With the exception of Abuja, the selected divisions were the oldest divisions of the Court of Appeal. The sample size consisted of 160 respondents made up of 115 from the Court of Appeal and 45 from the Supreme Court of Nigeria, the breakdown of which is contained in table 1.

**Table 1: Sample Size**

	Division	Location	Registrar Cadre	Clerical Cadre	Total
<b>Court of Appeal</b>	Abuja	Abuja	8	12	20
	Enugu	Enugu	10	10	20
	Ibadan	Ibadan	10	15	25
	Kaduna	Kaduna	10	10	20
	Lagos	Lagos	11	19	30
<b>Supreme Court of Nigeria</b>			19	26	45
	<b>Total</b>		<b>68</b>	<b>92</b>	<b>160</b>

The research instruments were questionnaire, interview and observation. Copies of the questionnaire were administered personally and with the assistance of some members of staff to personnel in the registrar and clerical cadres in the Supreme Court and sampled divisions of the Court of Appeal. A total of 160 copies of the questionnaire were administered while 138 copies were completed, returned and found valid for analysis, giving a response rate of 86.25 per cent. Data gathered through questionnaire administration were analysed using Statistical Package for the Social Science (SPSS). Interviews were conducted with selected registrars and registry staff in the two institutions on records management activities of their institutions, particularly records management policy, records centre operations and records disposal activities. The interviews took place at different time at different courts over a period of six months from June to November 2012. Notes were taken during the interview sessions while the content analysis based on the key issues in the study was undertaken thereafter. Observation also took place in the registry, records centres and Archives of the Supreme Court and the sampled divisions of the Court of Appeals during the same period. In particular, the available filing equipment, filing/classification system in use, orderliness in the arrangement of records as well as

the adequacy and suitability of the records storage environment were observed and noted.

## Findings and Discussion

The findings of the study are presented in table 2 and discussed under the following headings:

### Background Information of the Respondents

The majority of the respondents (50 or 36.2%) possessed the Ordinary National Diploma and National Certificate in Education as their highest educational qualification. Those who possessed the School Certificate or General Certificate of Education (48 or 34.8%) ranked second. Twenty-one respondents (15.2%) possessed a bachelor's degree in Laws, Arts and Science; two respondents (1.4%) with a master's degree while the rest (5 or 3.6%) claimed to possess other educational qualifications which were not specified. Twelve respondents (8.7) provided no answer to this item on the questionnaire.

As for the rank or position of the respondents, the majority (71 or 51.4%) were in the registrar cadre. This category was followed by the respondents in the clerical cadre (55 or 39.9%). Ten respondents (7.2%) were litigation officers while two (1.4%) were Assistant Directors.

**Table 2 Simple Percentages Showing Responses from the Respondents**

S/N	Statement	Yes
<b>Types of Records Generated</b>		
1	Court of Appeal and Supreme Court of Nigeria generate:	
	(a) records book	126 (91.3%)
	(b) judgment book	110 (79.7%)
	(c) case register	86 (62.3%)
	(d) case book	72 (52.2%)
	(e) others	33 (23.9%)
	(f) enrolment register	23 (16.7%)
<b>Availability of Records Management Policy</b>		
2	Records management policy is available in the Court of Appeal and the Supreme Court of Nigeria	111 (80.4%)

<b>Records Filing/Classification System</b>		
3	The records filing/classification systems in use are:  (a) chronological (b) numerical (c) l alphanumerical (d) alphabetical (e) subject (f) others (g) colour coding	93 (67.4%) 85 (61.6%) 33 (23.9%) 28 (20.3%) 8 (5.8%) 2 (1.4%) 0 (0%)
<b>Types of Filing Aid and Rate of Records Retrieval</b>		
4	(i) The types of finding and in use are:  (a) register (b) index (c) inventory (d) guide (e) others (f) simple list  (ii) Records retrieval takes  (a) 21-30 minutes (b) 1-10 minutes (c) 11-20 minutes (d) Several hours (e) A day or More (f) 31-60 minutes	93 (67.4%) 32 (23.2%) 6 (4.3%) 3 (2.2%) 3 (2.2%) 1 (0.7%)  67 (48.6%) 35 (25.4%) 14 (10.1%) 13 (9.4%) 5 (3.6%) 1 (0.7%)
<b>Records Disposal Activities</b>		
5	Records are disposed by:  (a) sending them to the archives (b) sending them to the records centre (c) destroying them	118 (85.5%) 4 (2.9%) 2 (1.4%)
<b>Records Appraisal and Schedule</b>		
6	(i) Records Schedule is available (ii) Records schedule is undertaken	26 (18.8%) 25 (18.1%)

### **Types of Records Generated**

The results of the study indicated that the Court of Appeal and the Supreme Court of Nigeria generated a preponderance of records that included case register (86 or 63.3%), record book (126 or 91.3%), cause book (72 or 52.2%), enrolment register (23 or 16.7%) and judgment book (110 or 79.7%). Other records such as guard book that contains the original judgments of the courts as well as record of appeal or record of proceedings were also generated. The last type of record forms the platform upon which a case file is built in any case on appeal. A typical appeal case file contains the record of appeal as well as briefs i.e. the appellant's brief, the respondents brief and reply brief (if any) as well as motion papers and supporting affidavit, in appropriate situation. Some of these records particularly the latter types are created by counsel representing parties in cases from whom they are received by the courts and they form the basis for the administration of justice. Clerks, registrars and judges are all actively involved in the generation of records in a court environment. The results thus confirmed the court as one of the most prolific institutions generating records of legal importance. They also confirmed paper as the dominant medium of information recording. This finding supports Ubogu (2000) and Mnjama (2003) who noted a phenomenal increase in the use of paper despite the growth of information technology.

### **Availability of Records Management Policy**

The majority of the respondents (111 or 80.4%) confirmed the existence of a records management policy in the Court of Appeal and the Supreme Court of Nigeria. An analysis of the policy, which is contained in the Court Rules, however, shows that it relates to records creation and use. Other important aspects of records management like records maintenance and disposal have not been taken care of in the policy. This is a big gap and an important shortcoming in the records management policy of the institutions, as absence of guidelines on records disposal has negatively affected records accumulation, storage, maintenance and use by the institutions. This finding on the dearth of a comprehensive records management policy supports that of Akussah (1996) and Kenosi (1999).

### **Records Filing/Classification System**

The study has shown that the Court of Appeal and the Supreme Court of Nigeria employed a combination of chronological (93 or 67.4%), numerical (85 or 61.6%) and alphanumeric (33 or 23.9%) filing/classification system. Interviews conducted with some of the registrars as well as observation in the registries confirmed this position. This is in line with the practices in some other jurisdictions and this finding supports International Records Management Trust (1999).

A good records filing/classification system is essential in ensuring easy retrieval of records. Where the system is complex or uncoordinated, delay is experienced in the records retrieval system and timely availability of records for decision-making is impaired with adverse implication for operational efficiency. The cost implication of misfiling is enormous. Southwood (1987), for instance, estimated the average cost of each misfiled record in Canada to be over £60 as far back as 1987.

### **Type of Finding Aid and Rate of Records Retrieval**

The majority of the respondents (93 or 67.4%) confirmed the register as the most popular type of finding aid used in both institutions. This finding was not surprising considering the fact that cases are usually registered as they are filed and the register of such cases comes handy in locating records relating to them. The index also ranked second as a type of finding aid relied upon by the institutions. These are common in-house finding aids relied upon by most records creating agencies and organisations for the control and retrieval of their records.

Finding aids are crucial to records retrieval and access. In the absence of a good finding aid, records retrieval becomes difficult, if not impossible since it facilitates physical and intellectual control over records. Although there are various types of finding aids, each designed to meet specific purposes, an institution like the judiciary requires the type that can assist easy identification and retrieval of records. It is only in an environment where records are easily retrieved for functional activities that high level of efficiency can be attained in the administration of justice.



The majority of the respondents (67 or 48.6%) also claimed that records retrieval took an average of twenty-one to thirty minutes in both institutions. This is not the best records retrieval rate for institutions like the Court of Appeal and the Supreme Court of Nigeria that rely heavily on records in the administration of justice, more so when delay has often been regarded as the bane of the justice system in Nigeria. Easy retrieval guarantees timely availability of records for decision-making. Delays in records retrieval process are a manifestation of poor records management practices which breed inefficiency in the administration of justice. As observed by Musembi (1999), efficient administration of justice is not possible “in an environment where court records cannot be easily retrieved, or where the incidence of missing and lost files is a common occurrence.”

### **Records Disposal Activities**

The outcome of the study revealed that there was no coordinated records disposal programme in the Court of Appeal and the Supreme Court of Nigeria. The main records disposal action taken in the institutions, according to the majority of the respondents (118 or 85.5%) was to send records to the archives. Interviews conducted with some registrars revealed that records of disposed of cases, particularly the case files and exhibits originating from the lower court were also disposed of by sending them back to the lower court. Observation of the records storage facilities and interview also revealed that inactive records due for disposal were, sometimes, found among active records, a situation that made records retrieval stressful and cumbersome.

Records disposal, which is the third phase of records life cycle, is a critical phase. It is through records disposal processes that records of permanent value are retained and transferred to the archives while those that have no value for permanent preservation are eliminated or disposed of in any other way mandated by the governing records schedule. They also guarantee savings and cost effectiveness.

### **Records Appraisal and Schedule**

The study revealed that appraisal of records was

rarely undertaken in the Court of Appeal and the Supreme Court of Nigeria, as the majority of the respondents (113 or 81.9%) claimed that this important activity was not undertaken in their institutions. Consequently, court records were disposed of upon conclusion of cases without any form of appraisal. Records appraisal constitutes a crucial activity in any records disposal programme. A decision as to the permanent retention or otherwise of records can only be well informed if based on appraisal.

The institutions had no records schedule as attested to by the majority of the respondents (112 or 81.2%). As such, there was no policy on the retention and disposal of records, particularly the inactive ones. This finding supports Adjei (2004) and Adams (2005). The implication is that records were disposed of in the institutions without any laid down or written guidelines or any consideration as to the secondary value of such records. A records schedule is, therefore, crucial in the management of the records of the institutions as it determines the life expectancy of records.

### **Existence of Records Centre and Archives**

Interviews conducted with some registrars revealed that the Court of Appeal had no records centre while they indicated the existence of a records centre in the Supreme Court of Nigeria. The study, however, noted in both institutions, a misconception as to what a records centre is, as some of the respondents, when probed further in the course of interview, could not draw a distinction between a registry or records office and a records centre. In some cases, unkempt rooms where inactive records were dumped were regarded and designated as records centres or archives. Besides, records centre operations were unknown in the institutions.

There is, therefore, a strong suspicion that some of the respondents that indicated the existence of a records centre in their institutions were not sure of what a records centre, in technical term, is. A finding of the study that the institutions, particularly the Court of Appeal, had no semi-active records reinforced this suspicion. Records were either active or inactive. This finding is similar to that of Adams (2005) who carried out a study on the management of chieftaincy records in Ghana and found that the records were

active and inactive, thus leaving a gap in the records life cycle chain.

The study, however, revealed the existence of archives in each of the institutions, even though it was unorganised. The researcher's observation revealed that the storage space and equipment were grossly inadequate. In some cases, wooden racks were used for the storage of records while records were also dumped on the floor unorganised. Each search left the records more disorganised and retrieval became increasingly difficult. The implication is that inordinate delay occurred in facilitating access to records. Besides, inadequacy of storage facilities and equipment has negative implication for the physical well being of the records. Emphasising the importance of equipment, Piggot (1987) stated that "the choice of equipment on which to shelve and in which to store archives provides the archivist with an excellent opportunity to minimise further deterioration." Similarly, good storage, according to Child (1991), is essential to stabilise the conditions of records.

The physical state of records in the archives of the institutions is of grave concern to this study. The records storage environment was not regulated in terms of temperature and relative humidity control. In the archives of the Supreme Court of Nigeria, ventilation was provided through occasional opening of the windows. In the Court of Appeal, however, the archives of some of the divisions visited had no windows to provide the much-desired ventilation in the absence of the air-conditioning system. This situation is of grave consequence to the preservation of the materials in the archives and, indeed access. As observed by Drijfhout (2001), "without preservation, access becomes impossible and collections will decay and disintegrate".

## Conclusion and Recommendations

Court records play a crucial role in efficient administration of justice. The management of the records in Nigerian courts falls short of the acceptable standard with dire consequence on efficient administration of justice in Nigeria. Based on the findings of the study, the following recommendations are made for the improvement of the court records management practices of the Court of Appeal and the Supreme Court of Nigeria:

1. The records management policy of the Court of Appeal and the Supreme Court of Nigeria should be reviewed. More comprehensive provisions relating to all aspects of court records management (maintenance and disposal inclusive) need to be included in the Court Rules of the institutions. In the event of the Court Rules being too unwieldy, separate court records management rules or policy could be formulated and strictly followed in the same manner the Court of Appeal Rules and the Supreme Court Rules are strictly applied in cases before the courts.
2. A records system that will guarantee easy retrieval of records and eliminate misplacement and loss of records needs to be put in place.
3. The institutions should adopt and implement an integrated records management programme with the records centre as a necessary component. It is better that the records centre exists not just in name but also in full professional operation.
4. Records appraisal and scheduling need to be undertaken to determine the life expectancy of the court records of the institutions. Although court records are special types of records, it is utopia to assume that they are all records of permanent value that should end up in the archives. A records schedule is essential to stipulate the disposal action to be taken in respect of the court records of the institutions. A well-developed records schedule to meet the peculiar needs of the institutions is, therefore, required to be formulated.
5. The records management programme of the institutions need to be well- funded. Budgetary provision is required to be made annually for records management to ensure procurement of suitable equipment and materials. A periodic evaluation of the programme will guarantee improvement and sustain timely availability of court records for efficient administration of justice in Nigeria.

## References

- Adams, Musah 2005. The management of chieftaincy records in Ghana: an overview. *African Journal of Library, Archives and Information Science*, 15 (1) 67-73.
- Adewoye, O. 1977. *The judicial system in Southern Nigeria, 1854 – 1954: law and justice in a dependency*. London: Longman.
- Adjei, E. (2004). Retention of medical records in Ghanaian teaching hospitals: some international perspectives. *African Journal of Library, Archives and Information Science*, 14 (1)37-52.
- Agbakoba, O. n.d. Current concepts and issues in justice sector reform. in Irabor, K. (ed.) *contemporary issues in the administration of justice: essays in honour of Justice Atinuke Ige*, pp. 16 – 26.
- Aguda, T. A. n. d. Western Nigeria legal system. in Adedeji, a. (ed.) *an introduction to Western Nigeria, its people, culture and system of government*. Ile-Ife: Institute of Administration, University of Ife.
- Akussah, H. 1996. Records management in Ghana: an overview. *African Journal of Library, Archives and information Science*, 6 (2) 101–106.
- Alabi, M. O. A. 2002. *The Supreme Court in the Nigerian political system 1963 – 1997*. Ibadan:Demyaxs Press Limited.
- Burger, W. E. 1990. *Delivery of justice: proposals for changes to improve the administration of justice*. Marshall-Wythe School of Law, Marshall-Wythe: College of William and Mary Press.
- Child, F. R. 1991. Storage and environment. In Geraldine, K. (ed.) *A reading guide to the preservation of library collections*. London: Library Association Publishing Ltd, pp. 31 - 37.
- Connor, S. V. 1960. legal materials as sources of history. *The American Archivist*, 23(2) 157 – 166.
- Drijfhout, D. 2001. The Dilemma of modern media: preserving web publications. *Journal of Librarianship and Information Science in Africa*, 1(1) 17-27.
- Dumbauld, E. 1973. Legal records in English and American courts. *The American Archivist*, 36 (1) 15 – 32.
- Enwere, J. C. 1992. Records management in Nigeria: to be or not to be? *Information Science Review*, 10 (1 & 2) 61 – 67.
- Gersack, D. H. 1973. Colonial, state, and federal court records: a survey. *The American Archivist*, 36 (1) 40.
- Greenwood, J.M. and Bockweg, G. 2012. Insight to building a successful e-filing case management service: U.S. Federal Court experience. *International Journal for Court Administration*, June. Retrieved 17 February 2014 from [www.iaca.ws/files/journal.../greenwood\\_bockweg-efilingssystem.pdf](http://www.iaca.ws/files/journal.../greenwood_bockweg-efilingssystem.pdf)
- Haruna, I. B. M. 1990. administration of justice in military era. in Osibajo, Y (ed.) *Towards a better administration of justice system in Nigeria..* Lagos: Federal Ministry of Justice, pp. 68 – 97.
- International Records Management Trust 1999. Managing legal records. Retrieved 18 January 2010 from [http://www.irmt.org/documents/edu\\_training/public\\_sector\\_rec/IRMT\\_legal\\_recs.pdf](http://www.irmt.org/documents/edu_training/public_sector_rec/IRMT_legal_recs.pdf)
- International Records Management Trust 2011. Managing records as reliable evidence for ICT/E-government and freedom of information: uganda court case study. Retrieved 21 February 2014 from [irmt.org/portifolio/managing-records-reliable-evidence-ict-e-government-freedom-information-east-africa-2010-2011](http://irmt.org/portifolio/managing-records-reliable-evidence-ict-e-government-freedom-information-east-africa-2010-2011).
- International Records Management Trust 2011. Managing Records as Reliable Evidence for ICT/E-Government and Freedom of Information: White Paper for Senior Management. Retrieved 21 February 2014 from [www.improvetgroup.net/images/ig\\_library\\_downloads/White\\_Paper\\_for\\_Senior\\_Management.pdf](http://www.improvetgroup.net/images/ig_library_downloads/White_Paper_for_Senior_Management.pdf)

- Jordan, P. D. (1970). In search of local legal records. *The American Archivist*, 33 (4) 379 - 382.
- Kates, C. J. N. (1987). The Osgoode Society: preservation of legal records. *The Law Society Gazette*, 21(1) 58 – 70.
- Kenosi, L. (1999). Records management in the public service and The Botswana National Archives and Records Services. *African Journal of Library, Archives and Information Science*, 9 (2) 119 – 127.
- Lamikanra, U. (2003). Information technology and the administration of justice: foreground. *Lagos Journal of Library and Information Science*, 1(2) 142 – 151.
- Miller, A. S. (1978). *The Supreme Court: myth and reality*. Connecticut:Greenwood Press Inc.
- Mnjama, N. (2003). Archive and records management in Kenya: problems and prospects. *Records Management Journal*. 13 (2) 91 - 101.
- Motsathebe, L. and Mnjama, N. (2009). The Management of high court records in Botswana. *Records Management Journal*, 19 (3) 173 – 189.
- Musembi, M. (1999). Judicial records and the protection of peoples' rights. Paper presented at the XVth Conference of the East and Southern Africa Regional Branch of the International Council on Archives, Zanzibar, July.
- Office of Court Administration (OCA) New York (2008). Records management. Retrieved 4 January 2010 from <http://www.courts.state.ny.us/admin/recordsmanagement/>
- Olali, E. (n.d.). Overcoming the problems of delayed justice. In Irabor, K. (ed.). *Contemporary issues in the administration of justice: essays in honour of Justice Atinuke Ige*, pp. 120 – 124.
- Oputa, C. A. (1981). *The Law and the twin pillars of justice*. Owerri: The Government Printer.
- Oputa, C. (1993). Towards greater efficiency in the dispensation of justice in Nigeria. In Y. Akinseye-George (ed.). *Law, justice and stability in nigeria – essays in honour of Justice Kayode Eso*. Ibadan: Shalom Multiserve Bureau.
- Penn, I. A., Pennix, G. B and Coulson, J. (1994). *Records management handbook.*, 2nd ed. Aldershot : Gower Publishing Limited.
- Piggot, M. (1987). Conservation. In Pederson, A. (ed.) *Keeping archives*. Sydney: Australian Society of Archives Incorporated, pp. 219 – 252.
- Report of the Committee on Legal Records, Her Majesty's Stationery Office, London, 1966, Cmnd 3084.
- Rhoads, J. B. (1989). The Role of archives and records management in national information systems: A Ramp Study, UNESCO, Paris.
- Sagay, I. E. (1988). *Legacy for posterity: the work of the Supreme Court (1980 – 1988)*, Nigerian Law Publications, Lagos.
- Shepard, C. J. (1984). Court records as archival records. *Archivaria*, 18: 125 - 134.
- Shepard, C. J. (1987). Court and legal records at the archives of Ontario. *Archivaria*, 24: 117 – 120.
- Solomon, R. L. (1979). Legal history and the role of court records. *The American Archivist*. 42 (2) 195 - 198.
- Southwood, G. (1987). The development of information and records management. *Records Management Information*, 1: 1 – 4.
- Ubogu, F. N. (2000). The Paperless society: farce or reality. *African Journal of Library, Archives and Information Science*, 10 (1) 1 – 12.
- US Federal Bureau of Investigation (2010). Law enforcement records management systems (rmss) as they pertain to fbi programs and systems. Retrieved 17 February 2014 from [www.fbi.gov/about-us/cjis/law-enforcement-records-management-system](http://www.fbi.gov/about-us/cjis/law-enforcement-records-management-system)
- World Bank (2002). *Court records assessment manual* November 2002. Retrieved 3 May 2004 from <http://www.worldbank.org/ljr>

**Abiola Abioye** is Senior Lecturer and Acting Head

of the Department of Library, Archival and Information Studies, University of Ibadan, Nigeria. He attended the University of Nigeria, Nsukka where he obtained a Bachelor of Arts in History and Archaeology in 1983. He proceeded to the University of Ibadan, where he obtained a Bachelor of Law degree, Master in Archival Studies and Doctorate in Records Management in 1987, 1998 and 2006 respectively. He teaches and conducts research in archives administration, records management and legal issues in information work. He is also a barrister and solicitor of the Supreme Court of Nigeria.

