

**HIGHLIGHTS OF THE LAGOS STATE
PRACTICE DIRECTION FOR
REMOTE HEARINGS**

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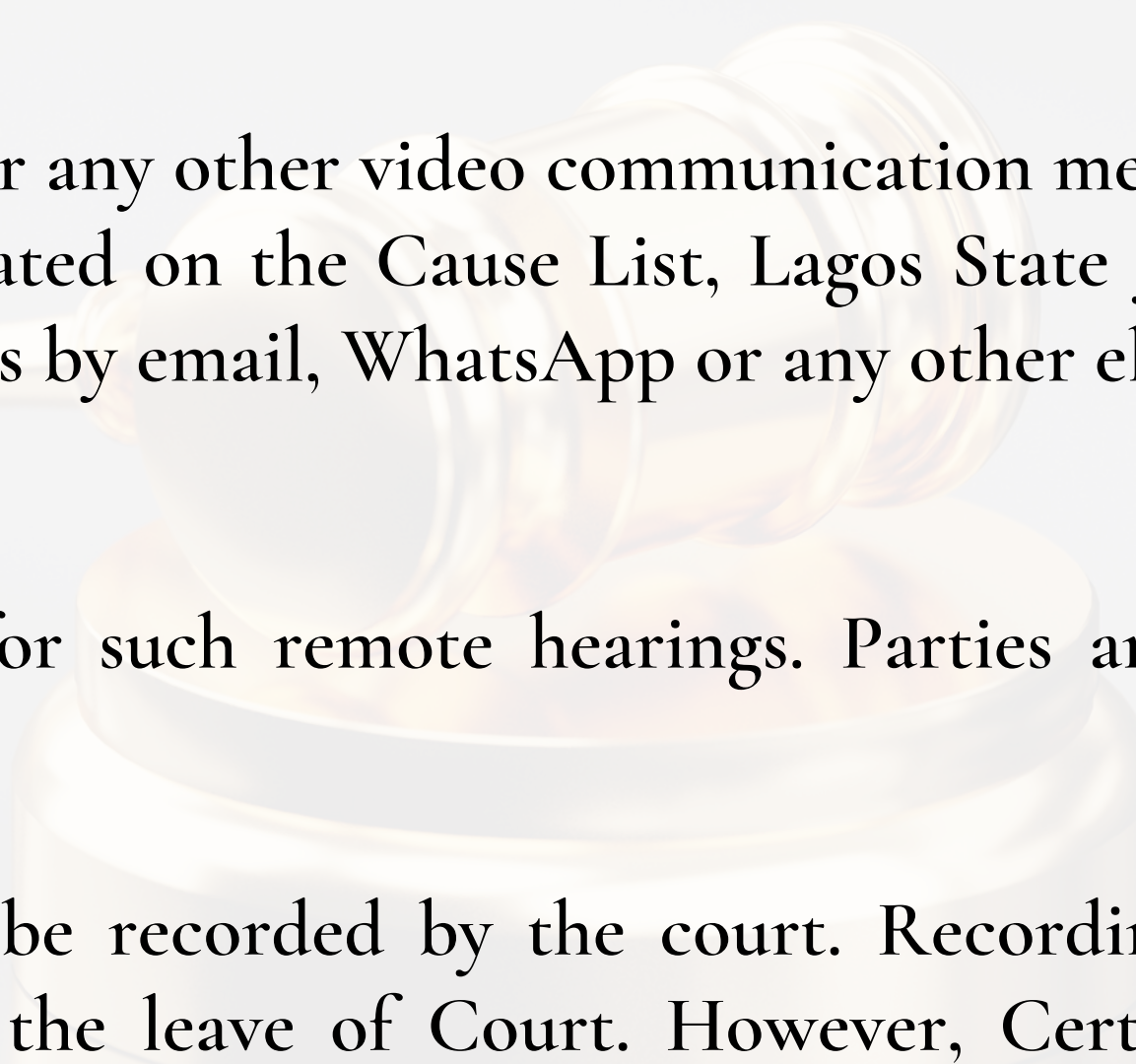
INTRODUCTION

On the 23rd of March 2020, the Chief Justice of Nigeria and Chairman of the National Judicial Council- Hon. Dr. Justice Muhammad, CFR, directed that all court sittings be suspended for an initial period of two weeks at the first instance save for matters that are urgent, essential or time bound according to our extant laws.

Following recent developments in the country in relation to the pandemic and in particular, as concerns Lagos State, the Chief Judge of Lagos State, Hon. Justice Kazeem Alogba, issued practice directions for the Lagos State Judiciary on 'Remote Hearing of Cases' (COVID-19 PANDEMIC PERIOD), which directions are to come into force on Monday 4th May 2020.

TEN HIGHLIGHTS OF THE PRACTICE DIRECTIONS

- The principal aim and objective of the directive is for the just determination, effective and efficient disposal of cases through the use of suitable technology.
- The practice directions are only applicable to new cases where there is urgency, pending cases involving urgent or time bound interlocutory applications such as bail applications, Fundamental Human Rights where the applicant is in custody, adoption of addresses, rulings and judgments or any other matter as the Chief Judge may approve.
- The method by which remote hearings will be conducted shall be as directed by the Court in accordance with the Constitution of the Federal Republic of Nigeria 1999 (as amended), applicable laws, rules and the practice direction.
- Court processes can now be filed electronically in the appropriate format and sent to the designated registry email address/WhatsApp contact. Designated court officials shall carry out assessment of the electronically filed processes and the computed fee is to be sent electronically to Counsel. Payment of assessed fees will be made online with evidence of payment scanned to the designated registry by email

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- Service of court processes via email/WhatsApp shall be deemed effective service and time begins to run from the date the said process was sent.
 - Remote hearings shall be by Zoom, Skype or any other video communication method approved by the Chief judge and notice of same shall be stated on the Cause List, Lagos State Judiciary website and communicated to the Counsel and or parties by email, WhatsApp or any other electronic means as the court may direct.
 - Counsel are expected to be fully robed for such remote hearings. Parties are also advised to be properly dressed.
 - Proceedings of the remote hearings shall be recorded by the court. Recording of proceedings by Counsel or Parties SHALL only be with the leave of Court. However, Certified True Copies of proceedings shall be made available on request.

- Adoption of written address shall be in line with the extant rules of court and oral argument may be dispensed with subject to the agreement of parties.
- Counsel would be notified via email or WhatsApp of the date reserved for delivery of ruling or judgment.

COMMENTS

Whilst the practice directions are laudable and a step in the right direction for the smooth and efficient administration of justice despite the current global epidemic, the practicalities of how some of these directions will be achieved within a reasonable time frame leave room for concern. Another area of concern are the specific matters which have been highlighted by the Chief Judge to which the directions will apply. These include- cases where there is urgency and pending cases involving time bound interlocutory applications such as bail, fundamental human rights matters where the applicant is in custody, adoption of addresses, rulings and judgments or any matter as the Chief Judge may approve.

Should the pandemic persist, one wonders what will become of civil cases ripe for trial or in which trial has commenced. In addition to this, is the category of cases that will be deemed as urgent to warrant proceedings being conducted remotely.

All of the above are some of the issues which have to be resolved by the issuance of further directions by the Lagos State Judiciary. The major upside to this development is the recognition of the need to upgrade the way and manner hearings are conducted in our courts with directions accommodating remote hearings. One hopes that this development will survive the Covid-19 season and ultimately be applied to more categories of cases. In particular, is the urgent need to dispense with manual filing of court processes in the long term . We hope that the Lagos State Judiciary would look into the concerns highlighted above to pave way for the speedy and expeditious disposal of cases now and for the future.

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