



# ADMINISTRATION OF JUSTICE DURING COVID-19 PANDEMIC AND BEYOND.

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## **Background**

1. It is no longer news that the whole world is at war with a borderless and unseen enemy called Covid-19, caused by the new coronavirus. Many countries of the world had shut down private and public businesses, as a part of the measures to combat the spread of the Covid-19 pandemic that had claimed thousands of lives and continues to kill. Nigeria though not so far as seriously hit like some countries in Europe and America, it has had its own fair share of the pandemic. As of 11 May, 2020, there were 4641<sup>2</sup> confirmed cases of the Covid-19 in Nigeria, with Lagos taking the lead.
2. On 23 March 2019, as a part of the measures to contain the spread of the Covid-19, the Chief Justice of Nigeria (CJN) and Chairman National Judicial Council (NJC) issued a circular<sup>3</sup> to all the Heads of Courts directing them to suspend Court sittings for an initial period of two weeks from 24 March 2020. Thereafter on 29 March 2020, the Federal Government of Nigeria announced the restriction of movements in Lagos and Ogun States and the Federal Capital Territory, for an initial period of 14 days<sup>4</sup>, excluding businesses in the food processing, distribution and retail industry, petroleum distribution and retail sectors, power and private security sectors, telecommunications, media, seaports, and other essential services<sup>5</sup>. On 6 April, 2020, the CJN issued another circular<sup>6</sup> suspending Court sittings indefinitely.

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<sup>2</sup> See <https://covid19.ncdc.gov.ng/> accessed on 12 May 2020.

<sup>3</sup> See Circular Ref. No. NJC/CIR/HOC/II/631 dated 23 March 2020.

<sup>4</sup> The President on 12 April 2020 in a national television broadcast further extended the period for another 14 days to end on 27 April, 2020.

<sup>5</sup> See the Covid-19 Regulations, 2020.

<sup>6</sup> See Circular Ref. No. NJC/CIR/HOC/II/656 dated 6 April, 2020.



3. Throughout the period of the lock down and suspension of Court sittings, the administration of justice had been grounded to a halt, not even the filing of Court processes could be undertaken. The danger is that if nothing is done quickly to revive justice administration, anarchy may result as persons may resort to self-help for the resolution of their disputes. Before the outbreak of the Covid-19 in Nigeria, the administration of justice in Nigeria was not at its best. Every Court business, no matter how small in many of the courts, was being done manually and required person-to-person service. Even though counsel were required to endorse their phone numbers and email addresses on Court processes, these communication media were rarely deployed when they should. Counsel were still required to travel to Courts (including those outside their jurisdictions) to obtain adjournment dates, counsel get to Court to find out that the business of the day would not proceed, etc.
  
4. When the then CJN, Hon. Justice Dahiru Musdapher<sup>7</sup> in 2011 announced elaborate plans to make the Courts system fast and efficient, the announcement was heralded with a lot of excitement. Nine years from the announcement, the plan is still in the pipeline and yet to see the light of the day. So, it was not surprising that the whole justice system went on its knees from 23 March 2020 when the CJN first directed the suspension of Court sittings. This is solely due to a lack of the required infrastructure to ensure that justice continued to be served, even amidst the pandemic.

### **A Paradigm Shift**

5. In a better-late-than-never-measure, the Chief Judge of Lagos State on 23 April 2020 released a Practice Direction for Remote Hearing of

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<sup>7</sup> The Nigerian Judiciary: Towards Reform of the Bastion of Constitutional Democracy, Nigerian Institute of Advance Legal Studies, 2011.



Cases in the Lagos State Judiciary (“the PD”). The PD came into force on 4 May 2020 and applies to new cases that requires urgency, pending cases involving urgent or important and time bound interlocutory applications such as bail applications, Fundamental Rights matters where the Applicant is in custody, adoption of addresses, rulings and judgments or any other matters as the Chief Judge may approve.

6. The following are the salient provisions of the PD:

**a. Electronic Filing (e-Filing)**

The PD provides that all processes for filing must be signed and sealed by counsel, and then scanned in a PDF format and sent to the Court electronically via a designated email address or WhatsApp. Parties and their counsel are to endorse emails and mobile telephone numbers on every process filed electronically or designate a contact person where parties are not represented by counsel.

Before the outbreak of Covid-19, there had been an e-filing Registry in the High Court of Lagos State. However, what the Registry was known for was to scan the process after filing and thereafter attach a note on the process to indicate that it had been scanned. More often, scanned processes were not uploaded and/or could not be assessed on the Judicial Information System (JIS). We hope that this would now change.

**b. Assessment and Payment of Filing Fees**

The PD also states that upon the receipt of a process, it would be accessed by appropriate officials designated by the Court Registrar and communicated to the party via email, WhatsApp or text message; the party shall pay the assessed fees via electronic transfer into the Court's bank account. The party shall thereafter scan the evidence of payment to the Registry for verification and the process shall be deemed filed when the payment is verified.

Filing fees can be paid at the Court's Registry where it is impracticable to make e-payment due to Covid-19. The email address and contact telephone numbers of the Registry shall be made available on the JIS and Judiciary website.



At present, most of the officials at the Registry are not computer savvy and this as well as their usual lackadaisical attitude may be a clog in the wheel of the success of this laudable and long desired mechanism. As a result, the, inefficiency that has pervaded the Registry may continue, due to the Court officials' intervention in assessing filing fees.

### **c. Service of Processes**

The PD allows Court processes to be served by email, WhatsApp or as may be directed by the Court. Such service is deemed a good service and time shall *prima facie* begin to run from the date the process was sent. Service by electronic means is to be proved by filing an affidavit exhibiting a printout from the electronic device used in sending the process and showing the date and time of receipt of same by the other party.

The provision on e-service is a welcome development. However, showing the date and time of receipt of a process may be a herculean task. This task may be made easy by some emails especially on Outlook which have receipt and read features by which means the service of a process, in addition to the proof of its being sent, can be further verified through receipt and read emails to the sender.

### **d. Remote Hearing**

The PD allows hearing of cases via Zoom, Skype for Business or any other video communication method approved by the Court However, before making a remote hearing order, the registry will liaise with the counsel on record to ensure that they have suitable facilities for a remote hearing.

The remote hearing option provided by the PD is perhaps the most laudable of all its provisions. In this age of technological advancement, speed, less corruption, accurate records, and efficiency can be achieved through a proper deployment of technology in our judiciary. The evidence of a witness who resides outside the Court's jurisdiction can be taken and his cross-examination and re-examination done remotely via video communication and thereby reduce costs of litigation and the risk of traveling and promote speedy dispensation of justice.

Suspects facing trials need not be taken to court as they can give evidence through video conferencing thereby saving taxpayer's money, labour and time.



The requirement of confirmation of suitable facilities from the counsel on record may be exploited by some counsel to frustrate remote hearing of cases. A counsel/party who does not desire a speedy conclusion of a matter will only hide under the umbrella of lack of suitable facilities to achieve his desire.

I am of the view that it would be enough and serve the objective (timely and efficient disposal of cases, etc.) of the PD more, if there was no requirement to confirm if counsel have suitable facilities for remote hearing. If there was no such requirement that can be exploited negatively, counsel would not only be encouraged to make provision for necessary facilities for themselves, those that cannot operate it would also acquire the capacity to do so or employ a competent hand to do it. Besides, virtual offices with such equipment can be used by counsel for the needed communication.

**e. Recording of Proceedings**

The PD provides that proceedings of remote hearing shall be recorded by the Court, but parties and/or their counsel shall obtain the leave of Court before recording the proceedings.

Bearing in mind that in open Court, counsel usually record Court proceedings without obtaining the leave of Court and can deploy their record to impugn Court's records in deserving cases, it is not clear why the PD required parties and/or their counsel to obtain the leave of Court before they can record the proceedings of remote hearings. Whatever the reason, I am of the view that it is needless.

**f. Notice of Delivery of Judgment and/or Ruling**

The Court's Registry shall notify counsel and/or parties by email or WhatsApp of the date reserved for the delivery of Judgment and/or Ruling.

**The Federal High Court of Nigeria, Court of Appeal and the National Judicial Council**

7. Considering the jubilation that greeted the PD made by the Chief Judge of Lagos State to ensure justice delivery through remote hearing of deserving cases, it was surprising to read a circular<sup>8</sup> said to

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<sup>8</sup> See the Chief Judge of the Federal High Court's letter dated 29 April 2020, to all Judges of the Federal High Court.



be from his Lordship, the CJ of the Federal High Court (“the FHC”) to all Judges of the FHC, strongly advising the Judges of the FHC to refrain from the application of Zoom technology or other variants to conduct proceedings in the FHC. The Chief Judge of the FHC stated that all Judges of the FHC must abide by the directive of the CJN who is the chairman of the National Judicial Council and was “considering a uniform approach in that regard.”

8. The Court of Appeal latter on 4 May 2020 issued a circular<sup>9</sup> to all the Justices of the Court of Appeal, Deputy Chief Registrars and members of its staff that the Court of Appeal would remain shut down with effect from Monday 4 May 2020, apparently the date that Mr President had declared that the partial ease of lockdown would commence in Lagos and Ogun States and Abuja. The reason given by the Court of Appeal was that in the face of the lockdown of interstate travel commencing on the said date, it would be difficult for its staff to come to work.
9. “Thankfully,” the NJC in its new circular<sup>10</sup> to all Heads of Courts provided guidelines in adopting or formulating, Rules, Directives and Guidelines, as appropriate to the legal and material circumstances of their Courts, with a view to achieving the goal of safely delivering justice in these unprecedented challenging times. The focal point of the circular is the employment of technology and its modalities in the administration of justice and strict observation of the recommended safety measures if Courts must conduct in-person hearings.
10. Whilst the recommendations by NJC to the Heads of Courts are not in themselves bad (in fact, the adoption of technology in our judicial system which is long overdue and is a welcome development), as the use of technology is the way to go in this 21<sup>st</sup> century, especially at this critical Covid-19 period, when technology is being applied in every human sphere, from medicine<sup>11</sup> to media, etc, and religious

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<sup>9</sup> see Circular Reference No. CR/174/VOL. IV/2020/023/034 dated 4 May 2020.

<sup>10</sup> See Circular Ref. No.NJC/ CI R/ HOC/ I I/66, Re: national Judicial Council Covid-19 Policy Report: Guidelines for Court Sittings and Related Matters in the COVID-19 Period, dated May 2020.

<sup>11</sup> “Majority of the patient consultations in the United States are now happening virtually,” says Ray Dorsey, director of the Centre for Health and Technology at the Rochester Medical Centre, NY, USA. See [www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30818-7/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30818-7/fulltext), accessed on 1 May 2020.



organisations are leveraging on technology to propagate their teachings, it is necessary to look at the legal basis of the NJC's circular. The NJC is a creation of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)<sup>12</sup> and therefore must derive its powers from the provisions of the Constitution. Looking at the nine (9) powers<sup>13</sup>, a-i, of the NJC as donated to it by the Constitution, it does not confer on the NJC the power to make "Guidelines" in adopting or formulating, Rules, Directives and Guideline for the Courts. Therefore, I am of the view that the NJC's "Guidelines for Court Sittings and Related Matters in the Covid-19 Period" is beyond or above the powers conferred on it.<sup>14</sup>

11. The statutory responsibility for making rules governing the practice and procedure of Courts is conferred on the Heads of Courts, not the NJC. For example, Section 44 of the Federal High Court Act, vests power in the Chief Judge of the Federal High Court, to make Rules of Court for the Federal High Court. The Court held in the case of *Dimegwu v. Ogunewe & Ors.*<sup>15</sup>, that: "It is trite that, both the Chief Justice of Nigeria and the President of the Court of Appeal have been conferred with powers under Sections 236 and 248 of the 1999 Constitution (as amended) to make rules regulating the practice and procedure of the Supreme Court and Court of Appeal, respectively. Invariably, similar powers have also been conferred upon the Chief Judge, Federal High Court; the Chief Judge, Federal Capital Territory; Grand Kadi, Sharia Court of Appeal FCT; the President, Customary Court of Appeal FCT; the Chief Judge, State High Court, the Grand Kadi, State Sharia Court of Appeal; and the President, State Customary Court of Appeal under Sections 254, 259, 264, 269, 274, 279 and 284 of the 1999 Constitution, respectively."<sup>16</sup> The purport of the power donated by law on the Heads of Courts is to make Rules guiding the conduct, practice and procedure of administration and adjudication for their Courts, the law does not require the Heads of

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<sup>12</sup> See Section 153 (1&2) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

<sup>13</sup> See Part 1 (I) Third Schedule of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

<sup>14</sup> See *CBN v Igwilllo* (2007) LPELR-835(SC) that an action taken outside the powers conferred by statute is null and void.

<sup>15</sup> (2008) LPELR-4039.

<sup>16</sup> See *Chisco International Ltd v. Prime Marketing Associates Ltd & Ors* (2015) LPELR-24506(CA); *Wari & Ors. v. Mobil Inc. of America & Anor.* (2013) LPELR-21996.



Courts to be guided by the NJC in making Rules of Court/Practice Direction. Therefore, it behoves on their Lordships, the Heads of Courts to make Rules of Court/Practice Direction for procedure to regulate remote hearings in their various Courts, without being teleguided by the NJC.

## **Recommendations**

12. The e-filing process should be automated. E-filing would be more efficient if the whole filing process is automated from start to finish as it's being done on the Corporate Affairs Commission's registration portal, wherein registration documents are assessed, paid for and stamped online, without any human intervention. This should not be difficult to achieve as the various filing fees for various processes are already spelt out in the Court Rules. This mechanism which is being used in other jurisdictions like the United Kingdom<sup>17</sup> will make filing in the Court to become efficient and devoid of stress (and corruption) as processes can be filed 24 hours a day, including weekends and public holidays and outside of normal office hours.
13. Before the full automation of the filing process, I suggest that the various filing fees and the Court's designated bank accounts should be listed on the JIS for users of Court's services to self-assess their processes, make payment and send the processes to be filed with the evidence of payment to the Registry for verification and necessary stamping of the process.
14. I also suggest that processes should be deemed filed on the date filing fee is paid, as against the date filing fee is verified as stipulated in the PD. A lot of factors can delay a quick verification of payment and a party who has done what is required of him under the PD should not be penalised for any default that is not attributable to him but attributable to the Court or any of its officials.
15. For matters that require affidavits, I suggest the use of "unsworn affidavits," and the deponent allowed to participate in the proceedings remotely, so that he could be put on oath during the

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<sup>17</sup> Ditto Ireland under its Courts Service Strategic Plan 2017-2020.



proceedings, in compliance with the Oaths Act/Law. This procedure will satisfy the condition of swearing to an oath before a Judge or Commissioner for Oaths<sup>18</sup>.

16. Reading through the PD, I observed that there is no provision on how the constitutional requirement of public hearing<sup>19</sup> would be observed in a remote hearing. This is a fundamental defect which can render any remote hearing unconstitutional, null and void, no matter how well the hearing might have been conducted or correct the decision rendered pursuant thereto, if not properly addressed in virtual hearing.
17. The Constitution did not define what is meant by 'public hearing,' but the Black's Law Dictionary<sup>20</sup> defined it as "a hearing that, within reasonable limits, is open to anyone who wishes to observe." This posits that a remote hearing must be open to anyone who wishes to observe it. It had been observed that the Zoom technology requires an administrator who "opens the gate" or admits people to an online meeting. This means that the administrator has a discretion whether or not to allow an interested person to participate in an online meeting conducted via the Zoom technology. In this kind of situation where there is a "gatekeeper" who can refuse a person participation in an online meeting, such remote hearings may not be said to have met the Constitutional requirement of public hearing because of the threat of hinderance posed by the administrator.
18. The attitude of the Supreme Court on the need for Court proceedings to be conducted in the public can be gleaned from the case of *Oviasu v Oviasu*<sup>21</sup> in which the apex Court set aside the judgment of the learned trial Court and held that the hearing of the petition for dissolution of marriage in the learned trial Judge's chambers occasioned a fundamental irregularity as a judge's chamber is not a

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<sup>18</sup> Section 10 (1) of the Oaths Act: "It shall be lawful for the Chief Justice of Nigeria, a Justice of the Supreme Court, the President and Justices of the Court of Appeal and any judge of the Federal High Court, a notary public, and any commissioner for oaths, to administer any lawful oath or to take any lawful affirmation or affidavit which may be required to be taken or made for the purpose of complying with the requirements of any law for the time being in force throughout Nigeria or elsewhere, except where such procedure is expressly or by necessary implication manifestly excluded by the terms of such law as aforesaid and the presumption shall be against any such exclusion."

<sup>19</sup> See Section 36(3) and (4) of the 1999 Constitution (as amended).

<sup>20</sup> Tenth Edition at page 837.

<sup>21</sup> (1973) 11 SC 315.



court hall to which the public will normally have any right of access. Also, in the case of *Alimi and Ors v Kosebinu and Ors.*,<sup>22</sup> the Supreme Court set aside the entire proceedings and judgment of the High Court of Lagos State after the judge delivered judgment in the case in his chambers. The Supreme Court held that a judge's chambers could not be classified as a regular courtroom or a place to which members of the public have right to go in and out since such access is dependent on the invitation or consent of the judge<sup>23</sup>. It is submitted that the message being passed by the apex Court in the above cases is that restriction must not be placed on public access to Court, ditto virtual proceedings, lest the Constitutional requirement of public hearing would not be met.

19. From the above cases, since public hearing means no more than allowing the public unfettered access to Court proceedings, the requirement of public hearing would be satisfied in virtual proceedings if the public is granted access to remote hearing electronically. This can be achieved by making the internet link available on the JIS for any media organisation or interested members of the public to access the remote hearing; or a small portion of the members of the public may be allowed to sit in the courtroom to watch the proceedings; or the proceeding may be aired live on a screen in an empty courtroom/public place, subject to space constraints in the courtroom/public place and the need for appropriate physical distancing during the Covid-19 pandemic. In addition, the proceedings can be broadcast live on social media, e.g. Facebook, Instagram, etc. The gist of public hearing is that the public must have unchecked access to the hearing. Therefore, every Court must strive to ensure that the constitutional requirement of public hearing is met at all times when conducting remote hearings.
20. Furthermore, the application of remote hearing should be expanded to cover all cases where the circumstances of a case calls for it, e.g. where witnesses or counsel are out of jurisdiction. Its application to

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<sup>22</sup> (2016) 17 NWLR (Pt. 1542) 337.

<sup>23</sup> See also *Simon Edibo v State* (2007) 5 SC 138 where the conviction of the accused was set aside by the Supreme Court of Nigeria because his plea was taken in the judge's chambers instead of in open Court.



other cases not mentioned in the PD ought not to be subjected to the approval of the Chief Judge. Such application should be made to the Judge seized of the matter, to ensure speedy dispensation of justice which the PD aims to achieve.

21. I hereby suggest the adoption of remote hearing to our appellate Courts whose work is done mostly by way of rehearing of appeals on the printed record without trial save in few exceptions<sup>24</sup>. This had been done in other jurisdictions and it proved successful. For example, on 6 April 2020, the Hong Kong Court of Appeal successfully conducted a hearing by video conferencing in the case of CSFK v. HWH<sup>25</sup>. Video conference hearing allows the parties through their legal representatives to address the court effectively. The requirement of fairness would be satisfied, if counsel for the parties are given equal opportunities to be heard or to address the Court.
22. In as much as the notification of delivery of Judgment/Ruling is good, the actual delivery of Judgment/Ruling can as well be observed by parties and their counsel remotely in deserving cases, so long as the constitutional provisions<sup>26</sup> on delivery of Judgment is observed.
23. I suggest that the time for filing or taking any step under the Rules should be suspended during the emergency period of Covid-19<sup>27</sup>. I am making this suggestion because I am of the strong view that it would be unjust for a party in default of taking any step required under the Rules of Court due to circumstances beyond his control such as the one occasioned by the Covid-19, to suffer any penalty.
24. Whilst I am aware that the limitation period stipulated in a statute cannot be extended by any Court, I call on the legislatures to enact

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<sup>24</sup> E.g. when sitting on a presidential election petition.

<sup>25</sup> [2020] HKCA 207.

<sup>26</sup> Section 294 (1) of the 1999 Constitution (as amended): "Every court established under this Constitution shall deliver its decision in writing not later than ninety days after the conclusion of evidence and final addresses and furnish all parties to the cause or matter determined with duly authenticated copies of the decision within seven days of the delivery thereof."

<sup>27</sup> The Tax Court of Canada issued a Practice Order and Direction cancelling all proceedings from 16 March 2020 to 29 May 2020. From the computation of time under its Rules, it provided that Notices of Appeal filed during the period shall be treated as including an application for extension of time to appeal brought on the exceptional grounds that the Covid-19 pandemic and the closure of the Registry prevented the timely filing of a Notice of Appeal. See [cba.org/Membership/COVID-19/Legal-Justice-Update-Courts](http://cba.org/Membership/COVID-19/Legal-Justice-Update-Courts).



a law suspending all statutory time limitations that expired during the period of the Covid-19 lockdown<sup>28</sup>.

25. Their Lordships, the Heads of Courts are empowered by the Constitution<sup>29</sup> and therefore have the responsibility to make Rules regulating the practice and procedure of the Courts. I humbly call on their Lordships, the Heads of Courts not to abdicate their Lordships' responsibility under the law by waiting for the NJC to provide a guideline on the use of technology for remote hearings for all Courts in Nigeria. Instead, their Lordships should rise up to the occasion and amend their Rules or make a Practice Direction for a uniform application of remote hearing in their various Courts as their Lordships are empowered to do under the Constitution and the various laws establishing their Lordships' Courts. That is what the law prescribed, it is the right thing to do and is long overdue, even before the outbreak of Covid-19.

26. There is no doubt that our Courts are very busy, if not overburdened.<sup>30</sup> Litigants, especially parties to cases bothering on trade, credit/debt and the likes are eagerly awaiting the conclusion of their cases; ditto defendants who are standing criminal trials before the FHC and on appeal to the Court of Appeal and Supreme Court, especially those who are in custody. The use of technology will help to ensure that justice continues to be served in this trying times of Covid-19. Aside the Lagos State Judiciary that had just issued a PD on remote hearing and delivered a judgment remotely<sup>31</sup>, the Borno State judiciary have been said to have conducted virtual Court proceedings<sup>32</sup>.

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<sup>28</sup> Following the declaration of a state of emergency in Ontario, the Government of Ontario issued an order suspending the operation of any provision of a statute, regulation or rule that sets out either a limitation period, or the time within which a step must be taken in a proceeding before a court, tribunal or other decision-making body. The suspension is in effect until the state of emergency is lifted and is retroactive to March 16 2020. This means that the time limits that usually apply to commencing claims or to filing documents with courts or tribunals are paused (unless there are procedural deadlines that have been imposed by court order, which remain unaffected by the order). The Court of Appeal of Canada has issued a PD stating that the time for filings in the Court of Appeal are suspended until further notice, except for urgent family-law matters and matters that have already been scheduled for a hearing and not adjourned.

<sup>29</sup> See Sections 6(6), 236, 248, 254, 259, 264, 269, 274, 279 and 284 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended); Section 44 of the Federal High Court Act, 2004.

<sup>30</sup> At the beginning of the 2019/2020 legal year in September 2019, the CJ of the FHC stated that there were 116,623 cases pending in the FHC, 16,144 filed in a quarter: see [www.fhc.gov.ng/fhc-news/less-than-13000-cases-handled-out-of-116623-in-nigerias-federal-high-court-justice-tsoho/](http://www.fhc.gov.ng/fhc-news/less-than-13000-cases-handled-out-of-116623-in-nigerias-federal-high-court-justice-tsoho/) accessed on 30 April, 2020.

<sup>31</sup> See <https://www.channelstv.com/2020/05/04/breaking-lagos-judiciary-holds-first-virtual-court-sitting/> accessed on 8 May 2020.

<sup>32</sup> See [www.loyalnigerianlawyer.com/virtual-proceeding-amid-covid-19-lessons-from-borno-state-judiciary-by-rapulu-nduka-esq/](http://www.loyalnigerianlawyer.com/virtual-proceeding-amid-covid-19-lessons-from-borno-state-judiciary-by-rapulu-nduka-esq/) accessed on 1 May 2020.



27. In-person Court proceedings should be held very sparingly only in extreme cases of urgency where remote hearing would not be suitable, so as to ensure that the lives of Judges, registrars, counsel, litigants and other Court users are not put in danger<sup>33</sup> of contracting Covid-19. The wheel of administration of justice in Nigeria must continue to roll again to avoid people resorting to self-help- “war of all against all,” state of anarchy and disorderliness where, according to Thomas Hobbes<sup>34</sup>, life is nasty, brutish and short.

## **Conclusion**

Whilst the step taken by the Chief Judge of Lagos State in making the PD with a view to ensuring continued delivery of justice in the face of the difficulties presented by the Covid-19 in Nigeria and to enhance the administration of justice generally is laudable, it is not yet uhuru. We must continue to observe and practise all the Covid-19 safety measures published by the Nigeria Centre for Disease Control; and build strong infrastructures that would ensure effective and efficient remote hearing of cases. Our Court system must be fully automated to ensure the efficiency of justice delivery. Since no one knows when lockdown and social distancing would stop, virtual hearing is the solution to continuous justice delivery to avoid total collapse of the justice system and resort to self-help by litigants which would lead to anarchy.

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<sup>33</sup> 168 New York State's Court employee who continued to show up for work at the courthouses throughout the pandemic have tested positive for the coronavirus: 14 judges tested positive; 3 judges have died- see [www.thenigerialawyer.com/3-new-york-judges-dies-from-coronavirus-almost-170-court-workers-infected/](http://www.thenigerialawyer.com/3-new-york-judges-dies-from-coronavirus-almost-170-court-workers-infected/) accessed on 1 May 2020.

<sup>34</sup> See Thomas Hobbes' poem Leviathan, 1651.