

Management of Records in the Judiciary of South-Western States of Nigeria.

by

Susan Taiwo Odeyemi, Abdulwahab Olanrewaju Issa and Hassan Taiwo Saka

Abstract

This study investigated records management practices adopted by the judiciary of the old Western State to establish the best practices in the management of legal records. Survey design was adopted while the *Legal Records Management Survey Questionnaire (LRMQ)* was the main data collection instrument alongside interview and observation checklist. The questionnaire, validated with a reliability coefficient of 0.82 was administered to 1,476 respondents selected through stratified random sampling out of 2,460 court registry personnel in the study area. Response rate was 60% with descriptive statistical techniques used for data analysis. The results revealed a preponderance of legal records (54.6%) among all the categories of records created and used in the studied judiciary. Case files (22.24%) were most widely created/used; with no standard practices in any judiciary of the state as records were created arbitrarily. Filing manuals are non-existence while the records handlers reported being unaware of the National Archives Decree 30 of 1992. Vital legal records were mixed with other documents (63%) and no IT application or disaster management plans/appraisal mechanism. Competent staff are lacking as over 80% had no requisite training. It recommends mainly the establishment of State archival repository to protect legal records permanently and aggressive staff training.

Introduction

In most literate societies, the earliest records to be created were those of legal titles to property and of judicial decisions by the courts and the earliest archives were established to house such records. Legal records constitute a very important class of public records in Nigeria. They are created or generated and received in such institutions as the Judiciary, the Police, the Army, the Ministry of Justice as well as other ministries, government agencies and parastatals that perform duties that are legal and quasi-legal in nature. Corporate bodies and private individuals generate legal records in the course of their operations or legitimate business. Such Records also have secondary value as they shed light on the origins, structures, functions and procedures of legal administration and on wider economic, political and social issues as well.

Law reports are journals in which current and recent decisions of superior courts are recorded so as to enable players in the legal field acquaint themselves with the decisions and utilize them in establishing their cases. According to Esso (1996), "Law Reporting, in Nigeria has been an intermittent exercise". The following are some of the Law Reports in the Nigerian Legal System: -

- (1) The Nigeria Law Reports, which consisted of a selection from the cases decided in full courts of the Gold Coast colony of the Colony of Lagos and of the colony of Southern Nigeria spanning a period of thirty years from 1881 to 1911.
- (2) The West African Court of Appeal Selected Judgments; 1940's -1950s.
- (3) The All Nigeria Law Reports: selected cases decided in the Supreme Court.

- (4) The Judgment of the Supreme Court of Nigeria published by the Supreme Court.
- (5) The Court of Appeal now also published its own Reports.
- (6) The Nigeria Monthly Reports
- (7) The Selected Judgments of the Supreme Court
- (8) The Bench Reports of Nigeria
- (9) The Nigeria Weekly Law Reports
- (10) Reports of the High Courts of Western Region
- (11) Reports of the High Courts of Eastern Region
- (12) The Reports of the High Courts of Lagos State
- (13) The Judgments of the Western State Court of Appeal

Although Nigeria has this impressive history of law reporting, there is however a severe dearth of reports as most of them were short-lived. Decree No. 30 of 8th July 1992 established the National Archives of Nigeria entrusting her with the permanent custody, care and control of all records of the Federal Government and of such other records or historical records as may be required from time to time. Among other duties, it shall be responsible for the appraisal and selection of records for permanent preservation, their arrangement, classification, listing and providing means of reference to the archives in the National Archives. Her management responsibilities include:

- i. Responsibility for records management

- ii. Full documentation of its organization, functions, policies, procedures and transactions.
- iii. Efficient economical and orderly execution of its duties.
- iv. Provide the retention and disposal schedules of records.
- v. Apply tested standards, procedures, techniques, materials and equipment in all matters relating to record-making and record-keeping, record-preservation and protection, selective retention of records, records scheduling for disposal and transfer of records to a records centre or to the National Archives.
- vi. Responsibility for issuing general schedules on retention and disposal of records.
- vii. Reports on the condition of public records.
- viii. Responsibility for the training of record managers and other categories of staff.
- ix. Responsibility for the selection of public records for permanent preservation.
- x. Responsibility for records transfer.

The primary concern in the management of legal records, according to Mukembo (2010) is usually with the operational records of three specific aspects of the legal service; namely the courts of law, police force and the Directorate of Public Prosecutions. One of the major responsibilities of a good organization is the proper management of its records. While legal departments have to some extent, been able to manage their current records fairly well, it is completely different with regard to semi-current and non-current records. The workload in many courts is such that the presiding Judges and Magistrates, as the case may be, cannot be expected to devote adequate time to the management of their records. The court clerks, registry personnel who are expected to efficiently manage non-current court records are junior staff who have little training in the management of records. Besides, they do not attach importance to records management neither do they know the importance of it in relation to the materials in their custody. Hence, evidence of poor records management in courts is a common feature in Nigeria. Evidences abound of cases of misfiling, missing and loss of files aside massive accumulation of semi-current and non-current records in the courts.

Legal records in general and judicial records in particular are poorly managed in Nigeria. This in spite of the fact that majority agreed that these records are quite important and need special considerations. Similarly, in Ghana, it has been observed that judicial service has not availed itself of

the benefits of record management. The overall effect has been a steady accumulation of recorded materials in each of the registries since 1970 and in some of the Kenyan courts, and in other countries in Eastern and Southern Africa. In Uganda, for instance, Tumusiime (2003) reported that "Hoima Police probe missing court files", and that the staffs of Hoima court including the Grade one Magistrate were arrested due to missing files. Ssemujju (2002) also noted that "police keeps vital records in sacks" and is due to inadequate accommodation facilities. Musoke (2002) noted that the absence of a computerised filing system in most courts had given corrupt clerks an opportunity to play around with the filing systems. Olupot (2003) remarked that the Uganda lawyers appealed to the government to upgrade registries by computerizing them to save them from collapsing; singling out the Land registry that operates on paper based records and whose documents in Kampala registry were in a tattered condition causing disappearance of land information.

Thus, the situation leads to a delay in administering justice since there is no provision of records that would provide evidence and when records are not produced at the right time, a fair judgment is denied on both the side of the offender and the government. Consequently, justice is either delayed or denied; violating the rights of the individuals concerned; since when it becomes very difficult for the court to make a judgment or a decision, the public soon lost faith in the judiciary occasioned by the non-maintenance of reliable records (IRMT, 1999). On the situation in Botswana, Lorato & Nathan (2009) remarked that in the past, the management of legal records at the High Court received little attentions, but now the High Court has embarked on measures including the introduction of an automated court record system to manage its records.

There is then the accumulation of court records, many being valueless and in time, becoming dust. They occupy expensive space and equipment and often get mixed up with semi-current and current records. Some kinds of civil litigations do continue for many years or revive after a long period. If litigation is reviewed after many years during which time the relevant documents have gathered dust or got mixed up with other valueless records, chances of the particular file being traced quickly are slim. At times, the court clerk finds it easier to say that the file is missing rather than wallow in disorganized and very dusty non-current files. In case the relevant files cannot be traced at all, this will obstruct justice and one of the interested parties will suffer, Even if the files are finally retrieved, sometimes after a long and

intense search, the trial will probably have been delayed. This management problem leads to waste of time, which cumulatively may translate into great financial loss, which Nigeria cannot afford.

Many disputes are brought to courts varying from ordinary family dispute to more complex commercial and industrial cases. After the courts have made their decisions in such cases, the record created in the course of hearing constitute vital information on who owns what in case of some disagreements arising later on in already determined cases, the relevant court records would be absolutely important. Twinning (1998) observed that records used in determining the previous case could have been kept properly for further use. Apart from records, which are created or received in courts, the judiciary also keeps published laws and subsequent amendment. The legal departments also keep law reports. These are working tools for Lawyers, Magistrates, Judges and Khadis. without which it is impossible to refer to precedents or other authorities. Thus, well managed and easily accessible legal records would provide some relief to this "stressful" situation.

The Problem

Legal records have always been omitted in all efforts made so far in Nigeria at improving the management of government records. From observation, discussion with the relevant personnel and a canvass of available literature, legal records in Nigeria, important as they are, suffer from deliberate destruction, random or arbitrary destruction and are often unprotected from disasters. Conspicuously absent, it seems, is the application of well-tested records management principles which cover records from their creation through their use to their final disposition. This results in poor management of legal records culminating in the costly delay in the justice administration. This study therefore investigated records management practices adopted by the judiciary of the South western States with a view to establishing the best practices in the management of their legal records. To this end, the study will provide answers to questions such as:

1. What legal records are kept in the South-western States of Nigeria comprising Oyo, Ogun, Ondo, Osun and Ekiti states?
2. What filing systems are utilized in the States?
3. What mechanism are available for ensuring effective retrieval of needed records?

Rationale for the Study

The study, on completion, will promote efficiency, as well as reduce congestion in the offices. It will also

make for effective utilization of information thus enhancing decision-making. It will go a long way in reducing for the government, the problem of creating unnecessary records; thus saving the money that would have been used to purchase extra equipment to store irrelevant records. Specifically therefore, the successful completion of this study will among other things: -

- (a) enhance the security of the legal records of the five states.
- (b) create awareness of the importance of efficient records management programme.
- (c) enhance proper organization of legal records in the judiciary and provide for easy access to their primary sources of information.
- (d) help create fewer and better records.

Review of Related Literature

Popoola (2000) observed that one obvious feature of modern bureaucracy is the production of large quantity of records of varying degree of significance in the course of the transaction of their daily business in every establishment. Therefore, one of the greatest challenges confronting public administrators today is how to effectively and economically control and utilize their ever-increasing information base. The solution to this problem lies in the adoption and implementation of integrated records management program. Rhoads (1989) identified the job operations at this stage to be file management, mail and telecommunications management, copy machine management, development and maintenance of vital records program, system analysis, operation of records centre, and development of filing and retrieval system. It is the registry that controls current records which are actively used by action officers.

Poor records management habits and practices have also been attributed to gross inefficiencies in the policies, procedures and measures of African governments to bad management of records. Daramola (1980) observed that smooth flow of work in government offices in Nigeria were impaired by poor record-keeping habits. In some cases, files are stored in damp, rodent and insect-infested places. Alegbeleye (1988) contended that records management has largely been hindered by inertia, ignorance of Nigerian government officials who frittered away the rudiments of records management provided by the colonial administration. Asiwaju (1985) asserted that records keeping practices in Nigeria has remained static over the years. It was even reported that Biu municipal council in Nigeria has no law governing the implementation of records management. Thus, this study sets out to examine the

applicability of the records lifecycle concept to the management of legal records in the judiciary of the South western Nigeria.

Elements of Records Management

Effective records management systems provide information that is required for the proper functioning of organisations to the extent it was widely believed that without proper records management initiatives, organisations are likely to face problems of high paper proliferation in their offices and experience retrieval difficulties. The 3 basic prerequisites for a successful records management programme, according to Atherton (1983) include:

- (i) A clear mandate and policies communicated to all concerned,
- (ii) A clear definition of responsibilities
- (iii) Central control over the scheduling/disposal function to ensure that information is retained as long as needed.

It involves planning, implementing and reviewing functions for the administration of the records of an organisation. A well-organized records management programme saves a lot of money for the administration of the organization (Ugwunze, 1992). It also helps to control the quantity and quality of information created, ensuring the maintenance of the information in a manner that effectively serves the need of the organization. Thus, a records management program is a prescription for records management, a set of inter-related activities geared towards the scientific control of the quantity, quality and cost of records on the records continuum, encompassing the procedures, systems, operations, space equipment and staff needed to manage records (Popoola, 2000).

He posits that the structure and organization of a records management department must be based on such components as: Personnel management, Financial management, Forms management and control, Reports management and control, Correspondence management and control, Records management procedures manual, Files management and control, Records Centre management, Vital Records management and control, Records inventory and appraisal, Records retention and disposition schedule, Directives management and control, Mails management, Micrographic and reprographic management, Archives management, ICT management and Equipment management. The operations of these components depend on the size, personnel, cost, budget and equipment and philosophy of the organization.

Alegbeleye (1988) identified 3 levels of implementation of records management as Minimal, Enhanced Minimal, Intermediate and Optimal levels; arguing that records management in Nigeria is only at the minimal level stressing that all attempts to initiate a records retention and disposition schedule in Nigeria were jettisoned while the provision for transferring government records to the National Archives periodically as enshrined in the Public Archives Act of 1957 has fallen into disuse. Between 1973 and 1976, the Federal Department of National Archives conducted some record surveys to determine the volume and storage condition of the inactive records in the Federal Government agencies. Findings of the survey, though discouraging, inspired the Department to:

- (1) Draw up the draft of the new Archives Decree/Bill which will cater for the full life-cycle of public records. This archives law has since been passed into law.
- (2) To set up records centres in Ondo, Akure, Benin City, Sokoto, Port Harcourt, Calabar, Owerri to cater for the inactive records from the Federal Government agencies.

In 1985, the Federal Department of Culture and Archives had a memorandum on the need to introduce Modern Records Management Operations in Nigeria at the Conference of Ministers/Commissioners for Information, Social Development, Youth, Sport and Culture held in Owerri in March, 1985. The 1985 memorandum was also expanded in 1987 by the same Department and addressed to the Council of Ministers. The paper called for a nation-wide records survey in Nigeria and recommended the setting up of a survey team. Akanbi (1989) found that records administration in the University of Lagos was still in its rudimentary stage, as records creation and retention were not properly controlled. Forms, which were used in the University, were not often classified and numbered to facilitate easy retrieval; reports, which were repetitive in content, were produced frequently in the University thus creating problems of bulk while the University records have not been surveyed, inventoried and scheduled for retention/disposal purposes. There was also no records centre in the University as at the time the study was carried out.

Similarly, Ebohon (1989) found that the NTA Ibadan has a central records section called the Registry which was a key to records creation, control, maintenance, use and disposition. This indicated that there is no effective records management technique or program at the Authority. Oriakhahi (1989) also found that current and semi-current records were

used for fulfilling their functions of providing information for operating use only; once these records have served their useful purposes in the offices, they were allowed to accumulate in the junk-store.

Imperatives of Electronic Records Management

While maintaining guidelines for the preservation and use of records in paper or micrographic formats, we also must ensure the preservation and documentation of records maintained in electronic mediums as well. Standards for managing and preserving electronic records will assist in facilitating the current and future efficiencies of the court and will maintain the security and integrity of those records for years to come. Courts usually produce volumes of records each of their working days and for which proper and effective management became imperative. Proper management of court records allows judges and attorneys to go over old cases that may have an impact on the outcome of their current cases. It also allows court staff to properly handle and manage the "paperwork" of cases that are currently awaiting adjudication and even individuals to document the history of their family or community.

Court records have, for centuries, been made available in paper form while accessing records of previous actions is not easy, especially if the records are kept far away from the office of origin. It may take a while, perhaps even days, for the court staff to retrieve a file, after which, one may have to fill out paperwork and then wait for a few days or weeks to receive the requested documents. In contrast, as Spratt (2007) notes, in courts where files are available through remote electronic access, information is made available more quickly and conveniently. Situations whereby the courts make available online their filed documents, this makes it

easier for journalists, lawyers or watchdogs to fully understand what is happening in a case.

With a remote electronic system, it can take minutes to retrieve information that can take days or weeks to retrieve if only paper files are available. In support of the need for electronic access to records, Smith and Miller (2007) noted that in 2006, more than 90% of all records created were electronic, and that the vast majority of these records were never printed to a hard-copy format. Hence, every court should have a program for managing the creation, maintenance and disposition of all court records. Any records management program instituted should consider the handling of a file from case initiation to destruction as well as the handling of other court records not necessarily associated with a specific case file. Standards for managing trial court case files, which represent the majority of a court's records management needs, are expected to be established (Stuart, 2009).

Research Methodology

The survey research design was used for this study. The five states in the South-western States include Oyo, Ondo, Ekiti, Osun and Ogun States and their respective Magistrate courts, High courts, Ministries of Justice and Lawyers' Chambers. The population of the study consists of 2,460 registry personnel, made up of 1,497 High court registry staff and 863 Magistrate court registry staff in the State's judiciary. The research data was collected using a self-developed questionnaire tagged "*Legal Records Management Scale*" (LRMS), observation and interview. The questionnaire was administered on a sample size of 1,476 registry personnel in the study areas using the stratified random sampling method. The breakdown of the sample is given below:

Table 1: Allocation of Samples

State	High Court	Magistrate Court	Total Population Nh	nh
OGUN STATE	71	26	97	58
OYO STATE	135	101	236	142
EKITI STATE	488	402	890	534
OSUN STATE	197	202	399	239
ONDO STATE	606	232	838	503
Total	1,497	963	N = 2,460	n=1,476

Source: Fieldwork

The data collected were analyzed using descriptive statistical measures such as frequency counts and percentages.

Data Presentation and Discussions

Table 1.1: Types of Records in the Legal System of the South-western States

States of Respondents						
Records Types	Oyo	Osun	Ondo	Ekiti	Ogun	Total
Legal	33 (64.71%)	24 (38.10%)	27 (50.00%)	24 (36.36%)	246 (52.23%)	372
Administrative	15 (29.41%)	24 (38.10%)	21 (38.89%)	39 (50.09%)	222 (47.13%)	321
Account books	3 (5.88%)	15 (23.80%)	6 (11.11%)	3 (4.55%)	3 (0.64%)	30
Total	51	63	54	66	471	723

Source: Fieldwork

Table 2.2: Records Series in the Judiciary of the States

Records series	Oyo		Osun		Ondo		Ekiti		Ogun	
		%		%		%		%		%
Case file	27	17.65	21	15.91	24	19.51	33	22.92	240	24.02
Records	21	13.73	24	18.18	21	17.07	33	22.92	84	8.40
Case book	21	13.73	21	15.91	18	14.63	9	6.25	138	13.81
Registers	21	13.73	24	18.18	21	17.07	30	20.83	108	10.81
Judgement book	21	15.69	18	13.64	15	12.2	15	10.42	216	21.62
Probate file	21	13.73	21	15.91	15	12.2	21	14.58	198	19.82
Others	18	11.76	3	2.273	9	7.317	3	2.083	15	1.502
Total	153	100	132	100	123	100	144	100	999	100

Source: Fieldwork

The table shows that the major categories of records (in different proportions) which are created and/or received and used in the study areas include administrative, legal and account books. It also reveals that legal records are dominant 372 (53.99%) and others 30 (0.61%). Although, three major categories of records were identified, variants existed within each of them; as the Oyo state judiciary keeps more of legal records (64.71%), Ekiti, more of administrative records [59.09%] and Osun, both. All the courts keep different types of records, including case files, registers, judgment books, case books, portable files, case lists and diaries.

The findings showed that the files were being kept in order to keep track of judgments delivered to ensure quick and fair dispensation of justice. However, Oyo state had more of the different types of records (i.e. case files, registers, judgement book and case book). Other states were keeping two of the records itemized above simply for financial constraints. The five states

keep case files and registers in their respective domains for ease of reference and also make use of record books. This is preferred to other types because they are fraud proof. The most widely used of these series for keeping records is the case file 345 (22.24%); which they claimed, allows quick retrieval of documents. It is clear that Oyo State keeps more of case files (17.65%), Osun State keeps both records and registers (18.18%) Ekiti state keeps both case files and records (22.92%) while Ogun State keeps more of case file (24.02%).

The most often used filing method in the study areas is the subject filing system 162 (29.19%), followed by Department 97 (17.48), by code number 90(16.22%) and by colour coding which is the most recent filing method 6(1.08%).

Table 3.2: Methods of Filing Records

Methods of filing records	Oyo %		Osun %		Ondo %		Ekiti %		Ogun %	
By subject	24	57.14	15	35.71	27	40.91	3	6.25	93	26.05
Chronologically	0	0.00	0	0.00	6	9.09	3	6.25	30	8.40
Functional head	0	0.00	6	14.29	3	4.55	3	6.25	90	25.21
Code Number	0	0.00	12	28.57	6	9.09	9	18.75	63	17.65
Department	12	28.57	3	7.14	18	27.27	27	56.25	27	7.56
Colour coding	0	0.00	0	0.00	0	0.00	0	0.00	6	1.68
Alphabetical	6	14.29	6	14.29	3	4.55	3	6.25	27	7.56
Others	0	0.00	0	0.00	3	4.55	0	0.00	21	5.88
Total	42	100	42	100	66	100	48	100	357	100

Source: Fieldwork

It was discovered that files were in judges offices and those that had been disposed off were sent to the litigation officers who then sent them to the records centre in Oyo State while in the remaining four states, they were kept in the litigation registry. For undecided cases, they were kept in the offices of the judges in charge. Cases that are referred to the court of appeal always have their records sent to the appropriate court. The tools used are transfer registers 40 (33%), file movement slips 60 (50%) and transit ladders 20 (17.0%). Apart from the use of the file transfer register, the rest of the tools that should ensure the safe circulation of files were not widely used. This is an indication that the location of each file at any given moment is not ensured. The absence of a filing manual means that the information on the various tools such as transit registers is not available to most staff; implying that most offices do not use these tools at all.

Records Management Practices

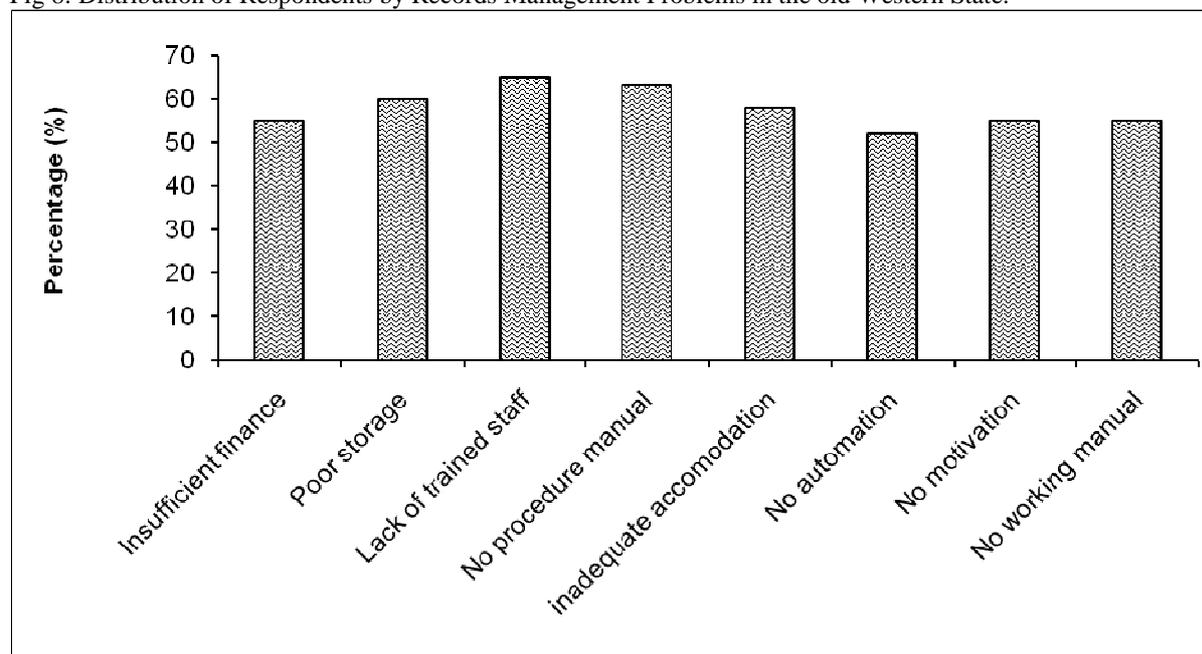
Less than half (40.1%) of the records personnel are aware of the existence of laid down regulations governing record management in the study areas. Another 58.6% are unaware of existence of in-house manuals/guidelines for records management, while 42.8% who indicated otherwise could not prove the existence of the said in-house manual/guidelines; claiming that they were unwritten. On the existence of any regulatory authority/service charged with the management of records, 74% did not know of it

while opinions on the unit responsible varied widely from one state to another. This ignorance and/or confusion was further revealed when they were asked if there was any single person formally designated to co-ordinate records management activities. To this, 63.3% indicated the presence of such a person, whose official rank could not be identified; meaning that there is no one line of command and that the staff may not know whom to report to. This was probably due to the fact that 30% are relatively new with less than five years in service and may not have mastered the organizational chart.

Preservation Constraints

The major constraints in the preservation of legal records were basically financial 125(58.2%). As a result of financial constraints, many facilities which were supposed to be used to preserve these legal records could not be made available. There was no enough accommodation to ensure easy retrieval. Also, it was not possible to acquire computers and other information technologies to preserve records permanently. If such a measure had been taken, there could have been alternative for the records destroyed at the High Court, Ile-Ife, which got burnt sometimes ago. This constraint was more apparent in the cases of both Osun and Ekiti states. Aside the financial constraints, the staffs were asked to identify the major constraints in the management of legal records. The response is as contained in the figure 8.

Fig 8: Distribution of Respondents by Records Management Problems in the old Western State.



Source: Fieldwork

From the figure above, the records personnel identified eight major problems; all identified by more than half of the staff.

Security of Legal Records

As a follow-up to the various security devices put in place in the offices of the courts of the five States studied, additional security operatives are in the premises of the High courts. Oyo, Osun, Ogun states had police surveillance as well as private security guards in place for 24 hours including weekends. Ekiti and Ondo states made use of police surveillance around their courts for 24 hours. Thus, the five states were security conscious. Each of them, except Osun state, had in place various measures for protecting legal records against hazards ranging from fire to environmental and man-made problems like theft. The building that housed the registries of the courts were well constructed in such a way that fire, sunlight and flood could not cause any damage to the accommodated records. All their windows and doors were protected with burglary proof so that they could not be easily broken into.

Records Appraisal and Retrieval in the States Studied

Records appraisal is an archival function and must be done before records are disposed off to archives or destroyed. Some elimination methods were identified and opinions on records management procedures

concerning their use were sampled. On who is involved in elimination of records, 88(40%) claim direct involvement, 68(31.6%) did otherwise with 55(25.6%) undecided. Further investigation about who authorized disposal showed that no particular person/authority was responsible. On the tools used in retrieving records from their registries in the states studied, the survey revealed that the following instruments are operational: inventories, guides, indexes, lists and registers. However, their level of use varies within the same stages of a records management programme and from one phase to another. The register, according to majority, was the main finding aid being used in the day-to-day handling of legal records. Registers (of different types) were identified by 177(82.3%) of the respondents as the tool they use in locating needed records. Office research instruments for retrieving records are little known and used: they include inventories and simple lists 17(7.9%) as well as guides and indexes 16(7.3%). A 75% rate of record retrieval success was observed in this study which is quite low as this means that one out of every five files was either misplaced, lost or simply unavailable.

Misplacement of Legal Records

Some 30 (14.5%) respondents claimed misplacement and/or lost of 10% of the records they control. Investigation revealed that most of these records misplaced and/or lost were legal files having to do

with either financial transactions or are sensitive and classified documents of great importance to the Judiciary. Reasons for misplacement/loss of these files/records varied within the States' Judiciary; but include, in descending order: wrong and/or non-filing of records; inexistence of filing registers; theft or deliberate hiding of records to attract tips or financial gains; no use of circulation tools and transmission register; lack of filing materials and space; negligence on the part of the staff because of lack of motivation; non-return of document by users; use of untrained staff in records management; use of unofficial channels to retrieve records; and wrong coding of files

Discussion of Findings

Notwithstanding the poor state of legal records in the Judiciary of the five south-western states of Nigeria revealed by this study, there is no denying the fact that records are fundamental to the efficient and effective operation of the legal system of a country and perhaps are even more crucial to the administration of law than to any other function of the public sector. Current records are in daily use for legal reasons, just as records of previous actions are routinely retrieved and used by a range of legal agencies (Stuart, 1999). Hence, the essence of effective and efficient management of legal records in the judiciary.

Contrary to the position of Roper (1997) that the introduction and maintenance of appropriate practices and procedures for the management of files lies at the heart of any sound records management system, the study revealed a clear absence of filing manuals as well as standard best practices for the effective and efficient management of legal records of the judiciary in the five states studied. Nathan (2009) also underscored the fact that the effective management of legal records is of crucial to the administration of justice and that there is a need to pay closer attention to the management of court records. The importance of a filing manual for a complex structure as is the case here cannot be overemphasized. Ricks and Gow (1988) declared that such manual contains the rules and regulations for filing with standardized procedures; assists in the training of personnel and makes storage/retrieval more efficient. It is indispensable for proper filing such that its absence in the study areas renders filing efforts unsystematic. There was also the non-existence of a master file plan in the five states sampled. This is quite unwholesome, considering the fact that such a plan does not only list all the organization's records series and describe their contents but also categorizes all records into series that can be filed together, used

together and evaluated together. It is therefore evident that the study areas lack what Penn et al (1994) described as a filing manual which is an indispensable tool for effective records management, especially that they made use of a multitude of filing systems utilized in different contexts; hence the need for coordinated filing policy.

Also, most of the five states lack tangible practice on who is responsible for records appraisal and how it will be done as well as retrieval system. This is unacceptable against the backdrop of the assertion by Esse (1996) that records centre provides a central storage and retrieval service for semi-current/non current records which are no longer needed for day-to-day activities, but which must be kept because they have legal, fiscal, administrative and informational or research value. The records centre operation which is the third stage of records' life-cycle- is very important in records management and must be handled with care. Cook (1986) states that records that passed out of currency are regularly retired in a suitable place called records centre from their agreed life.

Pen (1983) opined that records creation is the recording of information on a medium from which it can easily be retrieved when needed. The medium could be paper, disk, disc, tapes or cards. Without access to needed records, all records management effort will be futile and baseless. It is thus clear that the purpose of records management is being able to provide the right information to the right person in the right place at the right time and at the lowest possible cost. Gaining access to the needed information is certainly the ultimate goal of all records management practices (International Records Management Trust, 2011). The general poor state of information technology application in the judicial processes of the courts studied is not peculiar to Nigeria as Mukembo (2012) noted that out of the 6000 staff members across all the courts in Uganda, there was ICT support of less than 10 people for the whole Judiciary, with five of these supporting the Court of Appeal and the High Courts, two supporting the Labour Court and two supporting the Commercial Court.

Conclusion

The procedure handbook or manual is an indispensable tool to enhance the effectiveness and efficiency of the judiciary. The absence of such a manual as well as the lack of policy can certainly be detrimental to the effective management of records in the study areas; indicating bad records management. This could be due to the fact that the personnel are unaware of Decree 32 which underscores the

importance of regulations to govern the proper management of records. No definite regulatory acts exist for management of records in the court systems of the five states; no provision of guidelines for management in the selection of vital records. There is no provision as to who should handle various legal records. The resultant effect of this situation is that the legal records in the states studied are in a pathetic state.

Recommendations

This study has confirmed the poor state of legal records in the Judiciary of the five south-western states of Nigeria studied. Results of the findings pointed to the unwholesome state of legal records in the areas studied especially the absence of best records management practices by the judiciary. Thus, the following recommendations are made:

- i. Professional archivists should be employed to manage archives/records centres. Where non-professionals archivists are employed in the records centres they should be trained and retrained.
- ii. Disaster management plan should be put in place.
- iii. Standard archives should be provided for the safe keeping of records. Records in the centre/archives must be well arranged for easy access. There should be a back-up policy for highly valuable records.
- iv. Suitable accommodation should be provided in the various court registries to house the ever-increasing legal records and case files. Preferably a records centre should be established. The plumbing work at the centre must be good in order to ensure that there is no water leakage. The electrical wiring at the centre must be good in order to avoid fire outbreak.
- vi. There should be continuous training for both professional and non-professional archivists/records officers to keep them abreast of development.
- vii. The introduction of information technology, especially computers into the judiciary is over due.

References

Akanbi, H. M. (1989). "Implementing a record management programme in Lagos State University: problems and prospects. (Unpublished MLS. Project LARIS Department. University of Ibadan). p. 16-17

Alegbeleye, G. O. (1988). Archives Administration and Records Management. Up the Decades from

Amalgamation Record Management, Quarterly ARMA July Pg.27

Asiwaju, S. (1985). "The need to introduce modern record management operation in Nigeria Memoranda submitted by the Federal director of culture and archives to the conference of ministers/commissioners responsible for information, social/development youths, sports and culture. Owerri. P. 25

Atherton, J. (1983). "Records Management Practice and record Centre Operations in Canada. International Seminar on Records and Archives Management. p. 20-25

Daramola, J. B. (1980). Intervention on records management. In: The Nation and its records. Proceedings at (be 1st National Seminar on. Archives and records management- Ibadan; National Archives of Nigeria, p.73-84.

Ebohon, E. (1985). A survey of records management programme of the Nigerian Television Authority, Ibadan M.Sc. Thesis University of Ibadan. p. 18

Esse, U. O. (1996). 'Positive drive in record-keeping, use and maintenance as an aspect of records management'. Paper delivered at the National Workshop on the Implementation of Records Management Programme in Nigeria, Ota, p.5.

International Records Management Trust (2011). Managing Records as Reliable Evidence for ICT/ e-Government and Freedom of Information: Tanzania Court Case Study. August 2011. Available at: www.irmt.org/.../TANZANIA%20COURT%20CASE%20STUDY.do

Johare, Rusnah, Nurussobah Hussin and Adnan Jamaludin (2009). "Management of Electronic Court Records: An Example from the TEAM Malaysia Case Studies," in *Proceedings of the InterPARES 3 International Symposium, 4-5 June 2009, Seoul, South Korea* (Seoul: Sungkyunkwan University, 2009), 363-392.

Johare, Rusnah, Nurussobah Hussin and Adnan Jamaludin (2011). "Management of Court Records: Functional Requirements Framework for Electronic Recordkeeping System" Asia Pacific Conference Library & Information Education & Practice, 478. Available at: http://eprints.ptar.uitm.edu.my/3524/1/SP_MOC_11_51.pdf. Accessed on 1 May, 2012

Mukembo, D. (2012). Assessment of the contribution of records management in administration of justice in Uganda. A research proposal submitted to ARMA as a requirement for a Graduate scholarship for a Master of Science in Information Science of Makerere University. Available at:

- <http://www.armaedfoundation.org/pdfs/> .
Accessed on 1 May, 2012
- Oriakhahai, E. M. (1989). Records management programme in Nigeria: A survey of the Nigeria Television Authority Ibadan. Unpublished MLS project Department of LARIS, University of Ibadan. p.12
- Popoola, S. O. (2000). Records management programme in Nigeria: A Survey of Osun State Civil Service, Osogbo. Nigerian Libraries. 34(1), p. 21.
- Rhoads, J B, (1992). The Role of Archives and Record management in National Information Systems: A RAMP study, Paris, UNESCO, p. 19
- Roper, M. (1993). "Modern Archival Terminology", Paper presented at the National Archives/UNESCO Refresher Course on Archives and Records Management, Enugu, P. 20
- Spratt, C. (2007). "Electronic Access to Court Records," *News Media and the Law*. Reporters Committee for Freedom of the Press, HighBeam Research. <http://www.highbeam.com/doc/1P3-1304397411.html>
- Smith, T. J. and Miller, D. R. (2007), "Electronic Records Management: New obligations, New Tools," *Community Banker* (June). http://www.klgates.com/files/Publication/d89fdaf9-751a-41fc-a1a2-5da3b24551cb/Presentation/PublicationAttachment/51b3bed1-05b3-4416-8b59-61b161a8d7bb/article_smith_miller_0607.pdf
- Stuart, O. (1999). "Managing Legal Records," in Michael Roper, general editor, *Managing Public Sector Records: A Study Programme* (London: International Records Management Trust." <http://www.irmt.org/educationTrainMaterials.html>
- Twining, W. and Quick, E. (1994). *Legal Records in the Commonwealth* (ed), U.K, Dartmouth Publishing Co. Ltd, p. 15
- Roper, M. (1985). Functions of Archives Institutions in the creation management and Disposal of contemporary Records In: Proceedings of the European Archival conference on the creation and organisation of contemporary Records, Budapest; p. 78-93.