

AN ADDRESS DELIVERED BY HON. JUSTICE E.F. IKPONMWEN, (FCJEI)
CHIEF JUDGE, EDO STATE, AT THE OPENING OF 2018/2019 LEGAL YEAR
HELD ON THE 28TH DAY OF SEPTEMBER, 2018

PROTOCOL:

It is indeed a rare honour and privilege to preside at another opening of the legal year ceremony for the year 2018/2019. The last time we were gathered here was on the 29/9/2017 when I cut my teeth as Chief Judge of Edo State.

At my inauguration on 27/1/2017 in my speech I recall stating that no one does anything of significance alone, we all need help, especially the help of God. I cannot but state that I am a benefactor of this uncommon grace and assistance from Almighty God.

It is customary at this ceremony for us to reflect on our performance in the last legal year and state our projections for the new legal year that we seek to usher in.

May I use this opportunity to welcome all their Lordships and members of the bar from a well deserved break. It is hoped that we all used the opportunity to check on our health, for health, is indeed wealth.

At this ceremony we again renew our individual resolve as judicial officers to uphold the integrity of the Bench and to do justice to all men

without fear or favour, affection or ill will. To do this we are aware, requires training and retraining by way of attending seminars, workshops, conferences, re-treats e.t.c locally and internationally.

TRAINING AND RE-TRAINING:-

The main source of training of all cadre of judicial officers and staff of the judiciary is the National Judicial Institute, Abuja. Many benefited from the courses organized by the Institute especially those newly appointed Judges, Magistrates and many others as our scarce resources could take us. By the National Judicial Policy each State Judiciary is expected to establish a State Judiciary Education Centre for local training.

We have proposed to the Governor the establishment of a board to handle local courses. In spite of the non-existence of this centre, several trainings were organized for staff locally like the one day workshop on proactive retirement plan for healthy living after retirement on 5/3/2018. All those to retire in the year 2018 attended a training for the first time. There was no estacode released for international courses and so none could be sponsored but those Judges who could afford to sponsor their trips were encouraged to do so pending when we can have funds from the Government. Without sounding personal, I belong to that group as I was nominated by the

Chief Justice of Nigeria, Hon. Justice Walter Onnoghen, GCON to attend the Commonwealth Judicial Institute, Halifax, Canada in June 2018. I became a fellow of that institute established in 1995 thus becoming the first Edo State Judge and the 15th Nigerian to attain the FCJEI. I am indeed grateful to the Hon. The Chief Justice of Nigeria for this honour. May I use this medium to thank our revered retired JSC, Hon. Justice S.O. Uwaifo, C.O.N for volunteering to train Judges gratis on judgment writing. He proved to be the leader and father of all judicial officials in Edo State.

INFRASTRUCTURAL DEVELOPMENT

I am pleased to report on the progress of work in the Edo State Judiciary. Apart from the roads now tarred in the main complex of the High Court there is massive renovations being carried out in three courts in the main court building. However the pace of work is too slow and it is hampering the business of the court. That of the Magistrates' Court appears abandoned.

It was our hope that the new court complex would be ready for commissioning during this new legal year ceremony but that is not to be. Mr. Governor has promised renovation of all courts, building of new courts halls and judges quarters. May I use this medium to appeal

to Mr. Governor to come to the aid of the judiciary as I keep insisting that he has the “knife and the yam” for now.

FINANCIAL INDEPENDENCE OF THE JUDICIARY

Inspite of the clear Constitutional provisions and the latest signing into law by Mr. President of the bill for the Constitution of the Federal Republic of Nigeria 4th Alteration Act 2017 on the 8th day of June 2018 paving way for the financial autonomy of the judiciary which news reached me in Canada in June causing much celebration but till date nothing concrete has come out of this as the committee set up by the body of Chief Judges in Nigeria is still to come up with a solution. I recall my appeals at several fora for the payment of the salaries of the staff of the Judiciary who were not paid when their union JUSUN called them out on strike pressing for financial autonomy for the judiciary. While the call for the payment is still being made, we keep appealing for patience and understanding on the part of the staff.

STAFF WELFARE

The staff of the judiciary are not asking for more other than their withheld salaries to the best of my knowledge. Their request for arrears after promotions and sundry allowances after postings e.t.c are being looked into.

As for the members of the lower bench their requests were duly tabled before the Governor who promised a grant but this promise made in March 2018 is yet to materialize. I use this medium to appeal for quick release of the funds so that all hope is not lost. I also appeal for the promised renovation of courts and provision of quarters for the Magistrates and Presidents of Customary courts.

As for their Lordships, allowances owed them for the year 2016 is yet to be paid. We insist on this payment because it is our due. These allowances have been in place since 2007 and have never been reviewed nor unpaid. Cars due Judges are not supplied to our embarrassment. I appeal to the executive to act in the interest of the judiciary as it appears that when a new commissioner is sworn in a car is immediately provided but the judiciary is been neglected as all appeals for cars for judges are unanswered.

CASE FLOW IN COURTS

There is an increased zeal for work by all cadre in the judiciary. I will however appeal that judicial officers work harder to eliminate delays in trials. There is no reason why cases should last more than one year in the Magistrates and Customary courts. Their jurisdiction is summary and must be kept so. The rules for those courts are being reviewed to speed up the adjudication process. May I use this medium to appeal to

members of the bar who have a penchant for using all kinds of antics to prolong and frustrate the hearing of cases and write frequently for transfer of cases from courts in a bid to “kill” the hearing of such cases to stopped forthwith as it is no longer fashionable to do so. I have resolved to be slow in granting such requests in that I believe that whatever goes wrong in a trial can be cured on appeal. The new High Court Rules and Magistrates’ and Customary Court Rules are expected to usher in a new climate of speedy dispensation of justice. There is no gainsaying that the public deserves a more efficient and reliable justice process. I believe more cases would be instituted by the citizenry if they are assured of justice with no delays.

In the year under review 10,016 cases were filed in the High Court while 9,649 cases were disposed off. The pending cases in those courts are 7,399.

In the Magistrates’ Courts 4,549 cases were filed 4,465 cases were disposed off and 5,047 are pending.

In the Customary Courts 7,747 cases were filed, 7,402 disposed off and 2,819 cases are pending. The Edo State multidoor court house in Benin is in full operation. I am proud of the pioneer Judge of that court and the staff. I hope to commission the multidoor court house in Ekpoma and Auchu in this new legal year after sensitization programmes.

May I use this medium to appeal to lawyers to encourage their clients to resort to arbitration, conciliation and mediation as a first step to getting justice. On our part, to expedite hearing of cases the new High Court Civil Procedure Rules unveiled yesterday provides that some cases like the Igiogbe issue, chieftaincy matters and others must first go to the Multi-door Court House in compliance with the provisions of Article 11 of the Multi-door Court practice directions for ADR processes.

The Edo State Local Government Election Petition Tribunal members were sworn in by me and heard two cases which are now on appeal at the newly constituted Edo State Local Government Election Appeal Tribunal.

I have designated the High Courts in Ekpoma and Auchi Revenue Courts for the prosecution of Tax matters in addition to the two earlier High courts in Benin City designated as such. The cases there are many but they are mostly non contentious.

The family courts are in operation in Benin and the two other Senatorial Districts.

Road Safety Mobile Courts, Environmental Sanitation Courts (though with my recent decision until set aside by the appeal court may not be functional) are manned by designated Magistrates. Magistrates are also sitting over revenue cases brought by Local Government Councils.

Their operations are being closely monitored to avoid corrupt practices. I must warn such designated Magistrates that they should never forget that they are judicial officers bound by the oaths they subscribed to.

REVENUE GENERATION

It is pertinent to note that the Edo State judiciary during the period of the last legal year, generated revenue totally N348,558,429.44 (Three hundred and forty eight thousand million five hundred and fifty eight thousand four hundred and twenty nine naira forty-four kobo only. Filing fees accounted for N198,963,142.27; Probate N123,265,752.17, Sales of High Court Civil Procedure Rules N32,400 and fines N26,297,135. This means an increase of N076,462,673.81 (seventy-six million four hundred & sixty-two thousand six hundred & seventy-three Naira eighty-one kobo) in revenue. With the Executive pronouncement that no more 10% probate fees to be paid up front, I have in accordance with the powers vested in me as Chief Judge issued the necessary, valid practice directive by virtue of Order 63 Rules 1, 2 and 3 of the Edo State High Court Civil Procedure Rules 2018.

ADMINISTRATION OF CRIMINAL JUSTICE LAW

It is note worthy that within the last legal year, the Administration of Criminal Justice bill was passed into Law. I subsequently by virtue of my powers made rules for the application of the Laws in all courts of Edo State.

The paragraph of the Rules dealing with the vexed issue of trial within trial is to be subjected to interpretation in a suit filed by Mr. Dele Igbinedion. Before my attention was drawn to this suit I had asked two judges in the Criminal Division, a lawyer in private practice and the DPP to do memos justifying the said paragraph or stating why it should be jettisoned. I intended calling a meeting to articulate the issue before Mr. Igbinedion's case.

The defunct Edo State Administration of Criminal Justice Committee embarked on prison visits from 19th – 21st December 2017. Resulting in the release of 7 inmates. The new committee under the current law is to be inaugurated soon after this ceremony.

During this last legal year 16 lawyers were sworn in as Notaries Public. The Chambers of Dele Igbinedion was appointed court process servers in accordance with the Rules of Court. It is hoped that more lawyers

would get registered as court process servers to assist in the speedy dispensation of justice. I also want to encourage lawyers to register sureties who are credible with the court to checkmate the prevalent charge and bail practices of notorious fraudsters who connive with criminals to jump bail with no trace.

PERSONNEL

Whereas Edo State judiciary has the capacity to engage 50 judges, just now there is a dearth of High Court Judges. In the year under review 2 new High Court Judges were appointed to bring the total number of Judges to 26. We got approval to start the process of appointing two more Judges but we have written to the NJC that this number is inadequate Ten (10) new Magistrates were appointed while one Chief Magistrate (Sp. Grade) and President (Special grade) retired from the service. A few personnel were appointed for the C.J'S residence.

There are some vacancies and the usual permission is being sought to employ especially in critical areas. Sadly we have lost some staff. I note the demise of Hon. Justice T.U. Oboh who passed on in active service and was given a befitting burial and 18 others passed away too. May their gentle souls rest in peace.

SPORTS:-

Edo State Judiciary is to participate in the CJN'S Sports competition billed for Port Harcourt in September this year.

RELATIONSHIP BETWEEN JUDICIARY AND OTHER ARMS OF GOVERNMENT

The relationship between the judiciary and other arms of Government has been cordial and respectful. The executive arm of Government has shown due respect for the rule of law and has comparatively done some work of appreciable value for the judiciary. The executive order no 1 of 2018 just released by the Governor portends some danger. I believe that the attention of the judiciary ought to be drawn to the desire of the Governor to alleviate the plight of those seeking letters of administration for the Chief Judge to amend the Rules in that regard. It is my humble view that the executive cannot and ought not to usurp the inherent powers of the judiciary by virtue of section 6 of the Constitution of Federal Republic of Nigeria 1999.

The legislature has a cordial relationship with the judiciary, this was amply demonstrated when Mr. Speaker led Honourable members to pay a courtesy call on the Chief Judge. This gesture is appreciated and unprecedented.

RELATIONSHIP BETWEEN THE BAR AND THE BENCH

In my respectful view the bar has been supportive of the bench and this co-operation must be sustained. Constructive criticism is necessary for growth. Gone are the days of sycophancy and indolent gossips and small talks. Writing of frivolous petitions to please belligerent clients and frustrate hearing are all for small minded people who ought not to be in practice.

Every weighty complaint, genuine and untainted will be investigated. I just set up a committee to check mal practices made up of some Hon. Commissioners of the JSC to give teeth to the work being done by the Chief Inspector of the High Court and her team.

The constitutional demands that cases be heard within reasonable time but often adjournments are sought by counsel who are ill prepared, feign illness and aided by a lazy judicial officer who is prone to granting adjournments for those reasons or no good reason thus impeding the administration of justice. I appeal for a change of attitude and a belief in the old adage that hard work pays and honesty is the best policy. We had the bar/bench fora in Benin and Ekpoma in the legal year just ended and hope to hold others in the next quarter and subsequent quarter in Auchi and Benin.

MY VISION FOR EDO STATE JUDICIARY FOR 2018/2019.

Edo State judiciary shall strive for excellence, with leadership by example. For judicial officers to uphold the tenents of the rule of law. Integrity and quick justice delivery system shall be the guiding principle.

In conclusion I wish to thank the Governor of Edo State, Mr. Speaker to Edo State Government, the Secretary, our Senior brothers the retired, JSC, Court of Appeal Justices, Chief Judge's, Presidents of the defunct Customary Court of Appeal I also thank visiting Judges, my brothers on the bench, Learned Hon. A.G Edo State, Hon. Commissioners of the JSC, the Learned and worshipful members of the Magistracy, Learned Presidents of Area Customary Court and Learned SAN, Life Benchers, Chairmen of all branches of the NBA in Edo State and their executive *members; members of the official and private Bar, my family members.* Thanks immensely for your support and prayers.

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