

IN RE: JUDICIAL ADMINISTRATION REFORMS AND EARLY DATES FOR HEARING APPLICATIONS.

4TH APRIL 2024

FROM: THE LAW PLATFORM

Mr. Thaddeus Sory Esq.

QUESTION 1

Is there any feedback from the Registry of the Supreme Court on your letter to the Registrar requesting early dates for hearing the injunction applications in the cases of Richard Sky v Speaker of Parliament & Attorney General and Dr. Amanda Odoi v Speaker of Parliament and the Attorney General.

ANSWER: At the moment, I have not received any reply from the Registry of the Supreme Court on the fixing of dates for the hearing of the two applications. I am however hopeful that the Registry will revert since the Court is on break this week.

QUESTION 2

The Chief Justice in her letter dated 14th March, 2024 mentioned that the Court Shift System is on a pilot basis. The deductible intention per the letter is a roll out of this policy on a test case basis to inform its implementation or otherwise in the future. The Chief Justice mentioned that the policy following examination of caseloads in courts across the country will improve the caseload of courts and improve efficiency of such courts. Isn't your objection/questioning of this policy unfair given the clear-cut basis and intention of the policy?

ANSWER: I note first of all that your question refers to my comment on the pilot Court Shift System. I am not sure whether it was an objection or that I questioned the policy. If you read my comment in its proper context, you will realise that my comment related to the manner in which the solution to the huge pile up of cases was thrown at us. I am not against it.

If you read the circular, you will observe that it merely informed us that there was a huge caseload pile up and then proceeded to offer a solution. I did not see any diagnosis of the reasons for the pile up and how the proposed solution will ease the pressure. Maybe the following interrogatories and observations will give you an idea of the reason for which I made my comment:

- i. over what period did the cases pile up?
- ii. who kept assigning the cases to the same courts as they were filed?

- iii. did it not occur to the person assigning that too many cases were being assigned to the same courts over the period?
- iv. should the procedure and criteria for assignment not be what rather should be examined?
- v. is the list of piled up cases of the same kind or varied? This is necessary to know whether it is the difficulty of specific cases or their peculiar nature that caused their pile up.
- vi. during the time when these cases gradually mounted up, did the courts have judges?
- vii. did the judges observe the cases burgeoning?
- viii. was the growing list of cases of concern to the judges who presided over the courts?
- ix. did the judges concerned do anything about it, such as in by themselves implementing measures to ease up the pile up with case management techniques executed with the consent of parties and their lawyers, or sit a little longer?
- x. did they even report the increasing number of cases to the Chief Justice?
- xi. did they provide any information to the Honourable Chief Justice about possible measures to ease the situation?
- xii. could the matter be dealt with better by simply transferring some of the cases to other divisions of the High Court in the Court Complex in Accra or elsewhere?

The point I am making is that the case load pile up could result from many factors. There are so many questions to ask in order to find what solutions to implement in order to achieve the desired results. What if the cases are just being piled up because it is the registries rather than the Justices who preside who are not up to the task? There may be no traction because service of processes is slow, dockets are not brought to the attention of the Justices who preside over the courts early enough to enable them to prepare to hear them.

It may be necessary for the Chief Justice to check the sitting habits of some courts and audit how cases are disposed of in some of these courts. I recommend that the Chief Justice pay some attention to the six weeks rule within which Judges must deliver judgments. In many instances I have

observed, interlocutory matters are pending before Judges for six months. This slows down the disposal of cases before such courts.

The case load also results in many instances from the manner in which some Judges handle simple matters before them. Motions for joinder, substitution of parties, substituted service, default judgment, injunctions, directions in some courts remain static for a very long time. Some courts tolerate and I will say downright unethical behavior on the part of lawyers who clearly file applications, the obvious intent of which is to stall the proceedings before the court and the Judges are indulgent even when their attention is drawn to the fact.

Have we properly interrogated all these matters? I have read that the sittings of the Court of Appeal in some areas will resume once more. The question is why was it suspended? Maybe I should add why are we bringing it back? What has changed? Many cases have suffered as a result of suspending the sittings at the locations where the Court of Appeal heard cases. This is because the dockets had to either be transferred to Accra or Kumasi depending on where the courts are located to enable parties continue their cases. Why did we not have existing cases there just dealt with before suspending their sittings at those locations? If sitting at the previous locations will resume soon, some parties who were relocated to Accra or Kumasi may have to be re-directed to Cape Coast, Tamale etc and this could lead to another delay.

QUESTION 3

You tick all the boxes for the bench of the Apex Court. Will you ever go to the Bench?

ANSWER: Please I have not seen the boxes, so I am not sure that I ticked them. I am not sure however that I have what it takes to do it at the moment.

End.

Thaddeus Sory Esq.