

LAGOS STATE JUDICIARY

REMOTE HEARING OF CASES (COVID-19 PANDEMIC PERIOD) PRACTICE DIRECTION

Whereas:

The current Corona Virus (Covid-19) pandemic necessitates the use of Remote Hearing to ensure cases are heard and disposed of urgently where possible. This Practice Direction applies to new cases where there is urgency and pending cases involving urgent and or time-bound interlocutory applications such as bail applications, Fundamental Human Rights matters where the Applicant is in custody, adoption of addresses, rulings and judgments or any other matter as the Chief Judge may approve.

1. This Practice Direction therefore sets out the guidelines to be adopted in Remote Hearing, recognising the urgent need for the Judiciary to put in place measures to guarantee continued access to justice and expeditious disposal of cases while minimising the risk of transmission of Covid-19.

2. **Now therefore I, Honourable Justice Kazeem O. Alogba** the Chief Judge of Lagos State, pursuant to the provisions of Section 6(6) and Section 274 Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 87(1) High Court Law of Lagos State 2015, Order 49 Rules 1, 2 and 3 High Court of Lagos State (Civil Procedure) Rules 2019, Section 90(2) Lagos State Magistrates' Court Law 2015, Section 354(1) Administration of Criminal Justice Law of Lagos State 2015 and any other enabling legislation, hereby issue the following Practice Direction-

Objectives of the Practice Direction:

3. The objectives of this Practice Direction shall be to ensure:

- (i) timely and efficient disposal of cases;
- (ii) use of suitable technology;
- (iii) just determination of the proceedings; and
- (iv) efficient use of available judicial and administrative resources.

4. The method by which Remote Hearings will be conducted shall be as directed by the Court in accordance with the Constitution of the Federal

Electronic filing of processes

5. Parties and counsel shall ensure every document filed electronically or at the Court Registry has the email address and mobile telephone number of the counsel or contact person where parties are not represented by counsel.

6. The Registry will receive documents for filing electronically. All documents to be filed must be scanned or converted to an appropriate PDF format and forwarded to the Registry via designated email address or whatsapp. Where documents are filed by counsel, each process shall be signed and sealed by such counsel;

PROVIDED that where it is impracticable to file processes electronically, same may be filed at the Registry of the Court.

7. The Chief Registrar shall designate appropriate officials who shall assess the fees payable by Parties and communicate same to them by email, whatsapp or text message.

8. (i) Parties shall pay the assessed fees by electronic transfer into the Bank Account of the Court.

(ii) A copy of the electronic receipt issued shall be scanned for verification.

(iii) The document shall be deemed to have been filed when the payment is verified by the Court;

PROVIDED that during the Covid-19 period, where it is impracticable to make e-payment, payment can be made at the Registry.

9. The email address and contact telephone number of the Registry shall be made available on the Judicial Information System (JIS) and the Judiciary Website.

Service of processes electronically

10. Notwithstanding the provisions of the High Court of Lagos State (Civil Procedure) Rules 2019 and the Lagos State Magistrates' Court (Civil Procedure) Rules 2015, service of Court processes may be effected by email, whatsapp or as otherwise directed by the Court.

11. Such service in paragraph 10 above shall be good and sufficient service.

12. Service of Processes shall 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.

13. Where an electronic mode of service is employed, time shall prima facie begin to run from the date the process was sent.

Preparation for Remote Hearings

14. Parties and Counsel shall liaise with the Registry for the purpose of scheduling hearings.

15. Parties or their Counsel may indicate voluntary participation in the Remote Hearing through the official email of the Court.

16. Remote Hearings shall be by Zoom, Skype for business or any other video communication method approved by the Court.

17. Before ordering a Remote Hearing, the Registry will liaise with all counsel on record to ensure that suitable facilities are available. The Court shall thereafter direct:

- (i) an appropriate remote communication method for the hearing; or
- (ii) an adjournment, if a Remote Hearing is not possible.

18. Notice of a Remote Hearing shall be stated on the Cause List and the Judiciary website and shall be communicated to the counsel and or parties by e-mail, whatsapp or any other electronic means as the court may direct.

Conduct of Remote Hearings

19. The Court shall give directions to Parties during Remote Hearings on the use of video and audio during proceedings.

20. Counsel shall dress appropriately and Parties shall be properly dressed for Court proceedings.

Recording

21. Proceedings of the Remote Hearing shall be recorded by the Court.

22. Recording of proceedings by Counsel and or Parties shall only be with the leave of Court.

23. Certified True Copy of proceedings shall be made available upon request.

Adoption of Written Addresses

24. Adoption of Written Addresses shall be in compliance with the provisions of the Rules of Court, provided that oral argument thereof may be dispensed with by agreement of parties.

Notice of delivery of Judgment and or Ruling

25. The Court shall, through the Registry notify Counsel and or Parties by email or whatsapp of the date reserved for the delivery of Judgment and or Ruling.

Commencement

26. This Practice Direction shall come into force on the FOURTH day of May, 2020



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Hon. Justice Kazeem O. Alogba
Chief Judge of Lagos State