

**AN APPRAISAL OF THE COURT OF APPEAL RULES 2021  
ON ELECTRONIC FILING, HEARING AND  
CONFERENCING IN THE COURT OF APPEAL, OTHER  
COURTS AND IN ARBITRATION PROCEEDINGS**

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**Abstract**

The use of information and communication technology for the purpose of improving on the speed and ease of judicial proceedings is a topical issue globally. The need and urgency was more sensitised by the COVID-19 pandemic which virtually brought global social and economic activities to a standstill. Courts in many jurisdictions relied on communications technology as a means to be able to continue to function. The Nigerian judiciary reacted by repealing the Court of Appeal Rules 2016 through the Court of Appeal Rules 2021. The new Rules made provisions for electronic filing, service of processes and virtual proceedings. This paper looks at the plausibility of adapting the features of technology based justice system delivery to the traditional adversarial method of resolving disputes in courts. The paper concludes that there are challenges to dismantling the physical court rooms and suggests the application of technology in specific areas through a bespoke practice direction or set of Court Rules and technology specifically designed to address the peculiarities of the justice delivery system.

**Keywords:** Information Communication Technology, Court of Appeal Rules, Justice Delivery.

## 1.0 Introduction

The Court of Appeal Rules 2021 which came into force on 1<sup>st</sup> day of November 2021 repealed the Court of Appeal Rules 2016. The Rules made few but remarkable changes to procedural steps in the Court of Appeal. For the purpose of this article, the relevant changes relate to introduction of electronic processes and procedures to the proceedings at the appellate court.

The COVID-19 pandemic which ravaged the globe was the stimulant to the changes and the solutions to delays in the administration of justice thrown up was capitalised on by the 2021 Rules. The Rules identified the real need to use the benefits of modern technology intelligently not only to reduce the court backlogs but also to respond to work stoppages that may arise from emergencies, *force majeure* and other unforeseen circumstances. The Court of Appeal Rules therefore reflected the new reality of virtual proceedings which generates the expeditious disposal of appeals as its product.

Application of new technology to business and social life has been in existence for decades. To a great extent, the judicial system has not benefited from these new technologies. Traditionally, courts have been slow in reaching decisions. Years or even decades can pass before a court makes a decision and that decision may be upheld or rejected by a higher court. In fact, slowness has come to be identified as an intrinsic part of our judicial process just as basic as the principles of fair hearing. As a matter of fact, a case that is expeditiously disposed of is viewed with suspicion.

Part of this delay is justifiable. Courts are subject to countless rules and must proceed at a deliberate pace to provide both parties with a fair and equitable decision. Other reasons for our slow justice system are not as commendable. Our courts are drastically understaffed, so cases must

languish on the file room until the court can hear them. Many lawyers will file inane motions either to increase their billing value or in the hope that the other side will grow weary of waiting and settle the case.

**2.0. Highlights of the Relevant Innovations in the 2021 Rules. The basic provisions of the 2021 Rules that seek to advance the application of communications technology to proceedings in the Court of Appeal are:**

- a. Order 1 Rule 5, which defined Court sittings to include both physical and virtual sittings of the court.
- b. Order 2 Rule 1, which provides that proceedings can be conducted virtually.
- c. Order 2 Rule 3, provides that notices of any application preparatory or incidental to the appeal may be served electronically
- d. Under Order 3 Rule 12(1) the weekly cause list of matters to be heard during the following week is to be published on the official website of the Court, in addition to pasting the cause list on the Court's notice board.
- e. Order 3 Rule 12(2) makes the provision for notification to parties of the sittings of the Court and the matters to be disposed of via their email addresses as an alternative to or in addition to their physical addresses.
- f. Order 8 Rules 3 and 4, permit the Registrar of the lower court or the Appellant respectively to compile, encrypt and electronically transmit Records of Appeal to the court through the electronic mail address of the registry of the judicial division of the court where the appeal is to be entered, provided that ten (10) physical copies of the Records of Appeal will also be transmitted to the Court of Appeal.

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- g. Order 20 Rule 1 Rules permits the electronic filing of documents, while a 24-hour electronic filing system is to be established in the registries of the Court of Appeal all over Nigeria., Court of Appeal Rules, 2021.
- h. Order 16, **establishes Alternative Dispute Resolution Programme** which shall be operated by the Court, at the direction of its President. This programme replaces the Court of Appeal Mediation Programme (CAMP) provided in the 2016 Rules; though it failed to provide for the categories of appeals eligible for the programme, unlike the 2016 Rules.

The fundamental introductions to the Court of Appeal Rules 2021 as highlighted above are premised on **electronic**:

- Filing of notices of appeal
- Service of processes
- publication of court sittings,
- compilation and filing of record of appeals
- hearing notices
- filing of preliminary or incidental applications
- hearing or proceedings.

It is also pertinent to mention that the High Court (Civil Procedure) Rules of Anambra State came close, earlier in 2019, to providing for electronic judicial processes when it provided that *‘digital and electronic filing of processes including display of Court information shall be as directed by the Practice Direction issued from time to time by the Chief Judge.’*<sup>1</sup>

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<sup>1</sup> Order 3 Rule 13(4).

### **3.0. Application of Electronic Processes and Procedures in the Courts.**

The application of electronic processes and procedure to trials and hearing of appeals is commendable particularly in periods of emergencies that may arise when the court is on vacation or cannot physically sit, *force majeure* like lockdowns and natural disasters. A former Chief Justice of Australia, Hon. Justice Murray Gleeson once stated that:<sup>2</sup>

*The court of the future will need to embrace, and respond appropriately to, the demands of the future, while remaining a court. For that purpose, judges themselves, and especially judicial leaders, need a clear idea of what being a court involves. This means understanding the characteristics of the judicial function and discriminating between the essential and the inessential.*

The appropriate response desired by the Learned Lord Justice Gleeson is very essential in situations where the court is faced with an unexpected circumstance. Because the justice system is essential to the rule of law, which provides the framework for a democratic society, it can never be seen to be unable to serve its purpose, otherwise the entire democratic architecture will collapse. The courts are therefore bound to hear and determine cases brought within their jurisdiction. If courts were unable to hear cases *'this would not be merely a problem of increasing the backlog; it would be a problem of failing to provide the dispute-resolving mechanism that is the precondition of the rule of law.'*<sup>3</sup>

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<sup>2</sup> **Murray Gleeson**, 'The Judicial Method: Essentials and Inessentials', The District and County Court Judges' Conference, Sydney, 25 June 2009, 6-7. See also K Hayne, 'The Australian Judicial System: Causes for Dissatisfaction' (2018) 92 Australian Law Journal 32, 43.

<sup>3</sup> **Gerard Brennan**, 'The State of the Judicature' (1998) 72 Australian Law Journal 33, 35.

As courts needed to continue to function in all circumstances including periods of health emergencies, they also needed to adopt practices that permit the administration of justice without the health risk. In such emergencies, the tendency is for the state to act through the legislative and executive arms to introduce short term laws and regulations to abate the discomfort or negative impact of the situation. This may confer unusually broad powers on administrators who may introduce measures that affect or curtail the full enjoyment of fundamental human rights like freedom of movement, personal liberty or infringement of other citizen rights. These situations underscore the essence of the courts being available to perform their check on power. In such times, it is even more important than usual that the courts continue to operate effectively, independently and impartially, and be seen to do so.

If the courts must operate in such emergencies as canvassed above, technology becomes the elixir to such emergencies. Nigerian Courts have been incorporating technology into their practices for some time, but selectively and at a measured pace. For instance in the case of *Esso (W.A) Inc. v Oyegbola*<sup>4</sup> the court prophesied the explosion and application of technology to court proceedings with regard to admissibility of computer generated evidence. Many decades later, the Evidence Act was amended to facilitate the admissibility of electronically generated evidence.<sup>5</sup> However, the Courts need to balance this requirement to adjust to the future with the fact that they are not mere providers of dispute resolution services in a market of different providers, but, rather, are unique in that they carry out the adjudication function involving the exercise of judicial

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<sup>4</sup> (1969) NMLR 194.

<sup>5</sup> Evidence Act 2011, s 84.

power.<sup>6</sup> The meaning of judicial power defies strict definition but may be expressed as the power of a sovereign authority to decide controversies between its subjects or between itself and its subjects, by the use of the judicial process which involves ascertainment of the facts, application of the law and by exercise, where appropriate, of judicial discretion.

The question raised by the topic under discussion is “*Whether the provisions of the Court of Appeal Rules 2021 on e-filing, e-hearing and e-conferencing can be adopted in other courts and arbitration proceedings.*” To effectively adopt and apply internet and computer based technologies to court processes and proceedings, some technological platforms like Microsoft Teams, Cisco WebEx or Zoom etc. have to be designed. The use or adaptation to these platforms raises the following questions:

- Will the courts be open and accountable while applying technology to its proceedings?
- Will the persons subject to online hearing receive a fair hearing according to law?
- Will the application of such technology to proceedings maintain public confidence in the court system?

### **3.1. Electronic Filing (E-Filing)**

The Court of Appeal Rules 2021<sup>7</sup> provides for the electronic filing of documents, while a 24-hour electronic filing system is to be established in the registries of the Court of Appeal all over Nigeria.,

#### *3.1.1. Advantages of Electronic Filing.*

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<sup>6</sup> **Robert French AC**, ‘Perspectives on Court Annexed Alternative Dispute Resolution’, Law Council of Australia – Multi-Door Symposium, Canberra, 27 July 2009. See also *R (UNISON) v Lord Chancellor* [2017] 3 WLR 409, 431-432.

<sup>7</sup> Order 20 Rule 1.

There are several advantages associated with e-filing court documents such as the following:

- a. Saves time, money, and transportation costs. Since documents can be transferred via a secure internet connection, there is no need to wait in long court queues, or for couriers. Moreover, the court clerks can work faster without wasting time transitioning back-and-forth of filing documents. With a few simple clicks, the documents get processed in minutes. The lawyers don't have to wait for dates for filing new files. The system automatically updates information related to any case, and the concerned professionals and clients can plan accordingly for the next stages of the case. Overall, e-filing is a time-saving process.
- b. Reduces delays in retrieving court documents
- c. Enhances virtual filing accessibility from the convenience of home or the office
- d. Enables counsel and court clerks to work more efficiently by reducing the time and effort needed to manage case files
- e. Allows most practitioners to receive notices, orders, and judgments from the court electronically
- f. Allows efficient use of resources. Paper is the prime commodity in the field of law. Every year tons and tons of papers are in use by law firms, lawyers, and courts. Moreover, lawyers can make last-minute edits before submission without hassles.
- g. It leads to Faster resolutions. When documents can be filed quickly via electronic mediums, one can receive notifications instantly of the other party submitting documents. The lawyers can easily keep track of the developments in a case.

### *3.1.2. Disadvantages of Electronic Filing.*

Despite the benefits of electronically filing court documents, there are some disadvantages such as the following:

- a. Software and hardware malfunctions

- b. Additional investment in secure computer security and software to make sure documents are protected and properly formatted
- c. No personalized service with the court's business office upon filing the documents

#### **4.0. Electronic/Virtual Proceedings**

The Court of Appeal Rules 2021 provides that proceedings can be conducted virtually.<sup>8</sup>

The first advantage of virtual proceeding is the decoupling of the justice process from physical locations. A virtual platform can connect an individual to other parties, facilitators and the judge who may be geographically distant.<sup>9</sup> With remote participation being the parties can participate from wherever they are as opposed to the traditional requirement that all parties be at the same place to progress or resolve a matter. This makes justice more accessible by reducing the need for parties, especially for people who live far from the courthouse to travel significant distances and incur transport fees to attend a trial.

The second advantage is the shift from a synchronous to an asynchronous process. A synchronous time process requires people to be at the designated court at a designated time and usually in person. This can cause delays due to scheduling conflicts and the unavailability of court resources. Moreover court proceedings usually occur during business hours, meaning that if parties are self-represented, they must take time off work to attend a hearing. progress a dispute whenever it is convenient. Under an asynchronous process, parties, court and counsel participate in the at a time that is convenient to them. This improves the

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<sup>8</sup> Order 2 Rule 1,

<sup>9</sup> **Shannon Salter and Darin Thompson**, 'Public-Centred Civil Justice Redesign: A Case Study of the British Columbia Civil Resolution Tribunal' (2016-17) 3 McGill Journal of Dispute Resolution 113, 135 ('Public Centred Civil Justice Redesign').

flexibility of the civil justice system, increases the court's capacity to handle cases and reduces the barriers justice created by court processes which require parties to be gathered at the same place and time.<sup>10</sup>

- i. The most attractive feature of virtual or online proceedings is its potential to reduce the cost and increase the ease of the administration of justice. This can be achieved by:<sup>11</sup>
  - allowing courts to process large numbers of claims with little human input;
  - potentially increasing the number of claims filed that require little cost to manage, thereby increasing fee revenue;
  - reducing the human resources and physical infrastructure required to administer justice;
  - freeing up judicial and registry resources to focus on areas of high demand or significant delay or backlog such as crime or complex civil litigation; and reducing the time needed to assist self-represented litigants navigate a complex justice system and comply with procedural requirements.

Unarguably, the cost-efficient administration of justice is an appropriate goal of civil justice system reform. Due to the nature of the exercise of judicial power, court-integrated technology based proceeding requires a different set of norms, values and outcomes from private or commercial

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<sup>10</sup> **Orna Rabinovich-Einy and Ethan Katsh**, 'The New New Courts' (2017) 67(1) *American University Law Review* 165, 188 ('The New New Courts'); Ethan Katsh and Orna Rabinovich-Einy, 'Access to Digital Justice' in Ethan Katsh and Orna Rabinovich-Einy (eds), *Digital Justice: Technology and the Internet of Disputes* (Oxford University Press, 2017) 39, 51 ('Digital Justice').

<sup>11</sup> **Peter Cashman and Eliza Ginnivan**, 'Online Resolution of Minor Civil Disputes and the Use of Digital Technology in Complex Litigation and Class Actions' *The University of Sydney Law School Legal Studies* (2019) Research Paper Series No. 19/40.

use of technology. Consequently, in designing and implementing system innovations, it is necessary to look beyond ostensibly 'objective' improvements in efficiency, timeliness and effectiveness in order to assess more qualitative elements of the justice system that have no tangible economic value or easily defined metric. These elements include considerations such as access to justice, transparency, procedural due process, fairness and the level of satisfaction of participants in the process.

#### *4.1. Access to Justice*

Access to courts and tribunals is an essential element of the rule of law and is a human right enshrined both in international and domestic laws. Judicial resolution in a public setting enhances the legitimacy of the legal system by building public respect, trust and confidence in the system. Binding decisions communicate and reinforce norms of social and economic behaviour while creating precedents and developing the law.<sup>12</sup> Access to a court to resolve a dispute provides the benefits of a publicly funded, open process that provides a determinative outcome and methods for enforcement. Unlike other dispute resolution options, a court is expected to exercise this decision-making power in a consistent, transparent and impartial manner..

Access to justice is a key goal of the civil justice system. Yet for each dimension of access to justice, there are multiple barriers preventing entry. Attending a court or tribunal is a significant personal undertaking where people have to consider the obstacles of cost, procedural complexity, delay, the psychological and emotional burden of going through an adversarial dispute resolution process.

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<sup>12</sup> **Dame Hazel Genn**, 'Online Courts and the Future of Justice ' Birkenhead Lecture, Gray's Inn, (2017) 6 .

The pertinent factor for consideration at this point is *whether the platforms created for electronic processes and proceedings will adequately grant equal access to the litigants.*

#### 4.2. *Open Justice.*

Transparency is a core part of the justice system and open justice is a hallmark of the exercise of judicial power.<sup>13</sup> The principle requires court proceedings to be open and subject to public and professional scrutiny. Courts will not act contrary to this principle save in exceptional circumstances. It is one of the most pervasive axioms of the administration of justice in common law systems.

The principle of open justice is so fundamental and requires the conduct of proceedings in public and the members of the public admitted to attend the hearings. The principle requires court proceedings to be open and subject to public and professional scrutiny. The rationale behind open justice is that it ensures judicial accountability and protects against the risk of a court abusing its decision-making powers. Open justice allows for other essential features of a court such as procedural fairness and impartiality to be observed, and therefore supports the rule of law. It entails that the courtroom and the evidence tendered are accessible to the public and can be further disseminated by the media. With these features, it maintains confidence in the integrity and independence of the courts, educates the public about judicial application of the law and reduces the likelihood of people bringing vexatious claims or giving false evidence.<sup>14</sup>

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<sup>13</sup> **Murray Gleeson**, 'The Judicial Method: Essentials and Inessentials' (2010) The Judicial Review 9(4) 377, 384.

<sup>14</sup> **Sharon Rodrick**, 'Open Justice, the Media and Avenues of Access to Documents on the Court Record' (2006) 29(3) University of New South Wales Law Journal 90, 94.

Removing processes and decisions from a publicly viewable forum could make the justice system more opaque, resulting in a loss of scrutiny of judicial decision-making. Lord Atkinson said in *Scott v Scott*<sup>15</sup> that:

*In public trial is [to be] found, on the whole, the best security for the pure, impartial, and efficient administration of justice, the best means of winning for it public confidence and respect.*

Legislation may however place restriction on open justice when or where it is necessary to prevent prejudice to the proper administration of justice, the interests of the State in relation to national or international security, to protect the safety of any person, to avoid causing undue distress or embarrassment to a party to or witness in a criminal proceeding involving an offence of a sexual nature.

On the contrary, it is arguable that digital technology can radically enhance open justice by making processes and proceedings more observable and transparent. Virtual proceeding can increase public participation and engagement by allowing people who cannot access the court in person to view proceedings.<sup>16</sup> However, this throws up another problem: digital platforms generally record all information exchanged in a dispute and the permanence of such information and evidence could continue to be available and potentially misused in the future. Parties may be dissuaded from using a service if they cannot be certain that their information will remain confidential.

In spite of the age-long beauty of trials, emergencies can make it difficult or impossible for courts to continue to operate in their traditional form of a physical courtroom that could be attended by any citizen or members

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<sup>15</sup> [1913] AC 417, 463

<sup>16</sup> hat is a Court? (Report, May 2016) 17 . 44 JUSTICE Working Party (n 43) 18.

of the media, which would allow for observation, reporting and therefore dissemination of the court's activities. In such situations, the use of electronic platforms or formats will be the only viable and possible alternative. Moreover, Open justice has traditionally intersected with other rights, including respect of reputation, the right to privacy and the right to a fair trial.

The discussion on open justice queries *whether on a digital platform, where the tension between these rights is amplified coupled with new challenges arising in information privacy, can we be assured of the prevention of cyber-hacking, protected and secure data storage?*

#### 4.3. Procedural Fairness.

Procedural fairness is the fairness of the process through which a substantive decision is made.<sup>17</sup> It is central to the rule of law and includes receiving notice of a claim and the opportunity to be heard. A hearing takes place before a judge at a time and place of which the plaintiff or complainant party has given notice to the defending party. At such hearing both parties have the opportunity to tender evidence relating to, and advance arguments in favour of the particular reliefs they ask for. This aspect of the rules of natural justice pervades the procedural law. Where a party is deprived of an opportunity of presenting argument on a vital issue in a case then the person has been deprived of a fair trial. The same concern would extend to being able to test evidence such as by cross-examination. Confrontation and the opportunity for cross-examination is of central significance to the common law adversarial system of trial. An online hearing may threaten procedural fairness by denying or hindering a person from presenting or challenging argument or evidence, including the oral testimony of a witness.

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<sup>17</sup> **Rebecca Hollander-Blumoff and Tom R Tyler**, 'Procedural Justice and the Rule of Law: Fostering Legitimacy in Alternative Dispute Resolution' [2011] *Journal of Dispute Resolution* 1, 3.

The need for procedural fairness is inculcated in lawyers and judges from their initial legal studies and reinforced through day-to-day experience in the courts and in practice. However, the novelty of the online environment requires explicit attention. It has been recognised that advocacy skills need to adapt for an online hearing, such as the need to take account of less visual cues and the pace of examination possibly being slower, but with brevity still expected. Adjustments to witness preparation and approaches to obtaining client instructions have also been noted.

However, fairness is not a precise concept. The content of procedural fairness is not frozen and can evolve. The way in which procedural fairness operates in the online environment may depend on:

- what is at stake:
- whether it is a pre-trial conference threshold,
- whether the issue to be decided is material to the substantive outcome of the proceedings or
- the proceeding is an appeal from a decision. Appeals are amenable to the use of digital platforms because the issues for decision are refined by the grounds of appeal and the parties' written submissions. Unlike a trial, the factual background has been determined and the need for witnesses is rare.
- the type of litigant or witness may also be relevant, such as where a part is self-represented, and may need additional assistance.

In considering the procedural fairness of online proceedings the following questions can be asked:

- *how do you determine when a process has been filed?*
- *how do you prove the service of a process?*

- *how do you compute the time within which parties have to respond to processes served on them?*
- *can the court effectively determine the demeanour of witnesses?*
- *Can the counsel adequately and effectively confront witnesses in cross examination vis-à-vis possible interruptions or rupture of network quality?*
- *Can the court and the parties closely and surely examine exhibits sought to be tendered?*

### **5.0. Application of Electronic Processes and Procedures to Arbitration Proceedings.**

As the world becomes increasingly digital, Virtual Alternative Dispute Resolution turns out to be an effective, efficient, fast, and cost-effective dispute resolution tool. In many ways, the ability to resolve disputes using an online platform is a great equalizer.

As technology advances, many disputes arise from businesses or relationships that were influenced or affected digitally. The need to resolve such disputes through virtual dispute resolution increases. Virtual ADR offers a new and fair way to settle such legal issues – more efficiently and with greater flexibility than traditional methods. As a result, not only can you quickly and efficiently resolve a legal dispute, but you can do it from the comfort of your home or office without the high expense of going to court.

The advantages of ADR over our traditional adversarial method of resolving disputes in courts are well known to most legal practitioners. Because ADR is essentially premised on procedures agreed by the parties, it is easier to adapt it to the changes in technology within the competence and comfort of the parties to the dispute.

**Firstly**, the *parties are all able to see each other and interact with one another in real time over a secure, high-speed network*. To participate, they need only to log in. The session then proceeds no differently than if each of the participants was seated around the conference room table.

**Secondly**, the technology also *allows parties to make PowerPoint presentations or provide the other participants with on-screen views of documents or photographs* – just as if they were being passed across the table for consideration.

**Thirdly**, the impact will be far reaching. The *savings in travel time and expense for out-of-town participants* alone will be considerable. Presently, out-of-town counsel and/or their clients and/or their insurers may have to dedicate the better part of the day before, and the day after, a mediation session for travel. That will be eliminated.

**Fourthly**, Virtual ADR will also *allow additional team members to attend mediations* from which they might have otherwise been precluded due to time or cost constraints. Logistical issues such as flight schedules, delays and weather will no longer be of concern. Even those nearby will be more productive if they are able to remain in their office to prepare, or attend to other matters, until it is time to log in and begin the session. This, in turn, will lead to increased ease in scheduling mediation sessions. The parties need only agree on the date and time – having the ability to attend from anywhere. Flexibility can prove to be particularly important when a matter needs to be scheduled and addressed in a time-sensitive fashion.

*Some tips on improving the quality of the Virtual ADR.*

- Co-operation of counsel will improve the experience, though not critical
- Consider use of a proven platform from a hearing centre to provide independence and impartiality in controlling the video system
- Conduct a pre-hearing test run to work out any bugs and provide some working experience for counsel, particularly with the e-

document management system and, if available, separate secure break out rooms

- The use of two or three computer screens by each counsel and arbitrator is extremely helpful for various functions during the online hearing
- Ensure that each witness has appropriate technology (high speed internet access, computers, camera etc.) and has a quiet room with good lighting to provide a clear image of face and shoulders
- For counsel, keep questions short and slow down the pacing to ensure that counsel and witness do not talk over one another. For each witness, organize a separate e-bundle of documents for ease of use.
- Build in periodic breaks to provide relief from screen fatigue

### **6.1. Conclusion**

In judicial proceedings, the formal communication between the court and parties is generally paper based and rooted on a complex set of formal rules, work practices and local adaptation and it is strategically used by the parties in an attempt to gain some advantage in the trial. Moreover, while a set in the judicial system, comprising of the judicial officers and judicial staff, are engaged in maintaining and protecting the system in an impartial manner, another group of lawyers and their witnesses are neck-deep competition while the public which constitutes the third group is gauging the perfections or otherwise of the judicial process. It is therefore difficult to effectively adapt the generally existing information technology to all aspects of the judicial process.

Apart from the simple cases, the problem is not limited to the design of technology, but to its adoption in highly regulated and bureaucratic organisations, such as the courts. In judicial proceedings, the formal communication between the court and parties is generally paper based

and rooted on a complex set of formal rules, work practices and local adaptation and it is strategically used by the parties in an attempt to gain some advantage in the trial. In particular, the difference between theory and practice that is normally present in court procedures can produce negative consequences in case of rigidities introduced by technology developed not considering the practices in use, but only the word of the law in the books.

## **6.2. Recommendations**

Adopting the electronic filing and procedures as contained in the Court of Appeal Rules 2021 in our courts should be contingent on some factors and steps.

- a. A be-spoken information technology system tailored to the peculiarities of our legal system should be designed.
- b. The Judges, court officials and lawyers should be adequately trained on the use of the system
- c. The use of the system and its application should be introduced to the training of lawyers in the Universities or in the law school
- d. A specific practice direction controlling such proceedings should be made by the Heads of the different courts
- e. Application of the electronic procedure should be designated a special procedure applicable to specific aspects of the judicial process.