

Abstract

The Judiciary as the third arm of Government is responsible for the adjudication of matters relating to individuals, groups cooperation and the Government and between any person, group of persons. This paper considered technology assisted judicial training as a tool to enhance the capacities of judges in developing technological skills, problem solving skills and ethical reasoning abilities vital to the judicial function. Although, technology is not a goal of justice, the problems of integrity of judges and delays associated with court cases as they violate the norms of fairness and impartiality have led to repeated complaints by litigants and court users across the world. This paper applied the Doctrinal Research Method which is a library-based approach with analysis of legal literatures whereby primary and secondary sourced materials obtained from books, journals and internet sources were analyzed. The paper found out that despite the positive potentials offered by technology, they are negative effects on judges such as information overload and the mental burden of deciding what is relevant and useful. It also found out that they are specific challenges associated with implementing technology assisted judicial training due to limited access for those in remote locations. It recommended the creation of offline training modules for use in jurisdictions where use of technology is difficult. It is further recommended that implementing virtual reality simulations can provide judges with realistic scenarios to practice decision-making, improving their judgment skills in complex situations

Keywords: Judicial Training, Technology, Digitalisation, Human Rights, Court

1. Introduction

The primary duty of the Court in interpreting statutes, laws enacted by the Legislature, is to find the intention of the Legislature. A statute which is ambiguous or not clear may be difficult to interpret. It is the duty of the Judiciary to discover the intention of the Legislature from the wordings and apply the general common law principles and statutory rules in interpreting the law. The general principles of interpretation are: The literal rule, Golden rule and Mischief rule.¹ It was held in the case of *Jegede v INEC*² that words used in the Constitution needs to give literal and ordinary meaning. Also in the case of *National Assembly v Accord*³, the Court held that in interpretation of the Constitution or a statute, the duty of a Court or tribunal is to consider the Constitution or Statute as a whole and that where the words used in the Constitution or a law is clear and unambiguous they should be construed or interpreted literally in order to bring out succinctly the intendment of the Constitution or statute and the intention of the law makers. The interpreter is expected to place himself closely as possible to the framer of the Constitution, as judges are not entitled to rewrite the Constitution. Under the guise of interpretation to the provisions of the Constitution which the political experience and social conditions including the particular provisions will justify. In the case of *Adesanya v The President of the Federal Republic of Nigeria*⁴ is another decision where the later interpretative approach of the Supreme Court was discussed. The issue was that the *locus standi* of the applicant, a senator seeking to challenge in Court a matter in which he has been defeated through adverse vote in the senate chamber, in reaching to a conclusion that the applicant/senator has no *locus standi* to bring action, the Supreme Court adopted the liberal purposive approach to the interpretation of the Constitution. In the course of exercising its interpretative powers, the Court must learn to do justice to the provision of the Constitution. The main object of interpreting the statutes must be and to discover the intention of the law maker from the language used in couching the laws. The meaning of the law must be discerned from plain and unambiguous word or expression employed therein. The general rule for constructing a Statue is that where its word are clear the court must give effect to the literal meaning but where the literal meaning is ambiguous the Court can seek internal aid within the body of the statute or external aid. In interpreting the Constitution, the interpretation must not lead to absurdity, the Judiciary as the engine for democratic growth, the main engine for the revaluation in our social and political structure through the various land mark judgments and rulings particularly in the interpretation of the provisions of the Constitution. The Court performs the functions of reviewing legislation in whatever circumstance it becomes necessary to do so. The need for such a review may arise at any stage in proceeding, but there are also suit that are instituted specifically for the purpose. Howsoever the need arises the role of the Judiciary is always to determine whether the Legislature has carried court its functions in accordance with the Constitution.

The purpose of judicial review of the act of public or administrative authorities is to ensure that the scope and limits of statutory powers are not exceeded by such authorities. The Court in controlling or reviewing the conduct of the public and authorities may grant any or more of the following remedies⁵: Order of mandamus, Order of certiorari, Order of prohibition, Order of injunction, Writ of habeas corpus. Therefore, in order for the Judiciary to maintain its role as a bulwark of the protection of human rights, defender of the sanctity of the Constitution, and guardian against arbitrary exercises of power by public officials and of powerful individuals and institutions, judges must continuously undergo regular education and training throughout their careers on the bench. Such education and training are essential not only to prevent Judges from stagnating but also to equip them with up-to-date knowledge, information and skills necessary for effect administration of justice. By staying abreast of developments in law and society, judges can better fulfil their duties in protecting the rights

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¹ A Obilade, *The Nigerian Legal System* (1st edn Spectrum Law Publishing 1997).

² (2021) 14 NWLR (pt 1797)406.

³ (2021)18 NWLR (Pt 1808)193.

⁴ (1981)2NCLR 356.

⁵ M, Ese, *Administrative Law* (4th edn Princeton publishing co 2013).346.

and liberties of citizens and ensuring the integrity of the legal system. The necessity to prevent judges from becoming stagnant arises from the continuous evolving nature of law and changes in society that have the potential to undermine or invalidate previous ideas, legal principles and decisions. In Nigeria, a clear illustration of this phenomenon is found in the provisions of Section 84 of the Evidence Act 2011, which addresses electronic evidence and has generated considerable confusion. The fact that S. 84 of the Evidence Act, allows for the use of technology in the courts, underscores the complexity of justice administration using technology.

2. Conceptual Clarifications

It is imperative to briefly clarify some concepts related and connected to this paper under consideration. The concepts are as follows:

Judiciary

The Judiciary according to a lay man is synonymous with the Court system and the judges tasked with the responsibility of administering justice. This meaning can be gleaned from dictionary definitions of Judiciary. The Black's Law Dictionary⁶ defines the term as follow: 'The branch of Government responsible for interpreting the laws and administering justice. A system of Court, a body of judges. According to the Oxford Advanced Learners Dictionary: 'The Judiciary means the judges of the country, or a State when they are considered as a group'. This definition is a formal and restrictive as it seeks the judiciary simply has been synonymous with the body of judges of a State.'⁷. The Judiciary occupies a preeminent position in the administration of justice in Nigerian society. The Constitution of the Federal Republic of Nigeria 1999(as amended)⁸ vested all the judicial powers in the Court. The Court in the system are the Supreme Court, the Court of Appeal, the Federal High Court, the National Industrial Court, the High Court of Federal Capital Territory Abuja, the Sharia Court of Appeal of Federal Capital Territory, Sharia Court of Appeal of a State, the Customary Court of Appeal of the Federal Capital territory Abuja and State and other Court established such as the Magistrate/District Court. The Judiciary is the guardian of our Constitution, the protector of our cherished governance under the rule of law, the guardian of our fundamental rights, the enforcer of all laws with or without which the stability of society can be threatened, the maintainer of public order and public security, the guarantee against arbitrariness and generally the only insurance for a just and happy society.

The Constitution of the Federal Republic of Nigeria 1999(as amended) makes provision for judicial powers⁹. The judicial powers are classified into the judicial power of the Federation and those of the States. The judicial powers of the Federation shall be vested in the Court to whom this section relates, being Courts established for the Federation¹⁰. The judicial powers of the State shall be vested in the Courts, Courts being established for the State¹¹. In *Ugwa v Lekwauwa*¹² it was held that by the provisions of Section 6(1) of the Constitution of the Federal Republic of Nigeria 1999(as amended), that Courts of law in Nigeria derive their jurisdiction from the Constitution. The phrase 'judicial powers' in section 6(1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) has been defined as the powers of the Court to decide and pronounce a judgment and carry it in to effect between persons and parties who brings a case before it for decision' it has also been defined as the authority of the Court to adjudicate upon and any matter before it, which is within its jurisdiction. In *Yusufu v Suntail*,¹³ the Court of Appeal held that the powers vested in the Court by section 6(1) of the Constitution of the Federal Republic of Nigeria 1999(as amended) cannot be invoked by any person 'just for the fun of it', and that there 'must be an issue in which it is sought to determine the civil right and obligation of the person invoking the powers'. Therefore, that if 'there is no need for a determination of a civil rights and obligation of a person, that person will lack a *locus standi* to approach the Court. Section 6(6)(a) of the Constitution of the Federal Republic of Nigeria 1999(as amended) is of the effect that the judicial powers vested in Courts, 'shall extend to all inherent powers and sanctions of the court of law.' This phrase has been subject to enormous judicial activity, which shall be considered here. In *Nwora v Nwabueze*,¹⁴ the Supreme Court, adopting its previous obligation of a person that a person would lack the *locus standi* to approach the Court and it is only a person whose civil right and obligation are directly affected that can invoke the powers of the Court.

The Judiciary, apart from been an organ of Government is vested with the judicial power to interpret, construe, apply the law and settling disputes. It has been described as a term collectively used to refer to judges, magistrate and other adjudicators. The judicial power of the Government of the Federal Republic of Nigeria are vested in the Superior Courts of Record although State House of Assembly is also constitutional entitled to establish such other Courts¹⁵. The powers of the Judiciary are derived from the Constitution itself. Judicial power extends to all matters between persons or Government authority and to all actions and proceedings relating thereto for the determination of any question as to the civil right and obligation of that person¹⁶.

⁶ BA Garner, *Black's Law Dictionary* (11th edn Thomson Reuter 2019).

⁷AS Hornby, *Oxford Advanced Learners Dictionary of Current English* (7thedn, Oxford University Press 2005) 804.

⁸CFRN 1999 (as amended) s.6 (5).

⁹ CFRN, 1999 (as amended). s.6.

¹⁰ *ibid* s.6 (1).

¹¹ *ibid* s.6 (2).

¹² (2010)19 NWLR ([Pt 1226] 26).

¹³ (2010) ALL FWLR (Pt 502)1002.

¹⁴ (2011) 15NWLR (Pt 127) 467; (2010) ALL FWLR (Pt520)1198.

¹⁵ *ibid* S.6 (1) (3).

¹⁶ *ibid* S.6 (6)(b).

The Judiciary as the third arm of Government, exercises its power of adjudication, interpretation of the Constitution and other laws made by the legislature through the Court created by the Constitution and other Court as may be established by the National Assembly or State House of Assembly.

Judicial Training

The terms 'judicial training' and 'judicial education' are often used interchangeably, especially in the context of enhancing the skills and knowledge of judges. However, they are distinguishable. While both terms aim to achieve a similar outcome, that is, a competence and effective judicial process there are contrasting features that differentiate them. These differences apply in the following areas:

- i. Judicial training may be seen as a way or means of emphasizing the acquisition of specific skills needed for the job, like evidence handling or trial management techniques.¹⁷
- ii. Judicial education on the other hand projects a broader focus by encompassing legal updates, new areas of law as well as judicial ethics.¹⁸
- iii. In essence, judicial training appears to equip the judge with the requisite skills, while judicial education provides the necessary underlying knowledge and framework.

The term, 'judicial training' lacks a unified or globally acceptable definition. However, for the purposes of this paper, it is necessary to define it as a process of acquiring or getting knowledge or learning new skills necessary to perform the functions of a judge. From this working definition, it is necessary for judges to periodically acquire knowledge and the requisite skills to effectively carry out their duties of adjudication. This is because judges who are less knowledgeable or whose skills have become stale may only dispense injustice and contribute to disillusionment within society.

Digitalization

Digitalization is defined as the machinery and equipment developed from the application of scientific knowledge.¹⁹ Digitalization or Technology means a lot of things these days. The word 'technology' brings to mind various devices, such as laptops, phones, and tablets. Technology may also make you think of the internet, data, or advancements in the world of engineering. This may be a narrow scope though, as technology includes so many creative solutions to many everyday problems humans have faced all throughout history. There are many different types of technology, differing in historical invention and application, as well as by the type of problem they solve. Types of technology include mechanical technology, medical technology, communications technology, electronic technology, and industrial and manufacturing technologies. Though these different types of technology all serve different purposes, range in design, and are applied in different ways, they all have one thing in common: they all solve a problem.

Human Rights

Human rights are moral principles, or norms, for certain standards of human behaviour and are regularly protected as substantive rights in substantive law, municipal and international law. Human rights are basic principles that everyone has to be treated fairly and not in a cruel way especially by their government.²⁰ They exist among other things, for moral and social reasons and promote peaceful and safe co-existence among members of the society.²¹ The international human rights system originated²² with the establishment of the United Nations after World War 2 and the promulgation of the Universal Declaration of Human Rights. Over the years, it has since expanded to include treaties and charters with international human rights norms.²³

Pedagogy

Pedagogy is a term which refers to the method and practice of teaching, especially as the method of how teachers teach whether in theory or in practice, additionally it refers to the combination of teaching methods (what instructors do), learning activities (what instructors ask their students to do), as well as learning assessments, projects, or tasks that measure student's learning.²⁴ Pedagogy most commonly understood as the approach to teaching, is the theory and practice of learning, and how this process influences, and is influenced by, the social, political, and psychological development of learners. Pedagogy, taken as an academic discipline, is the study of how knowledge and skills are imparted in an educational context, and it considers the interactions that take place during learning. Both the theory and practice of pedagogy vary greatly as they reflect different social, political, and cultural contexts. Pedagogy is often described as the act of teaching. The pedagogy adopted by teachers shapes their actions, judgments, and teaching strategies by taking into consideration theories of learning, understandings of students and their needs, and the backgrounds and interests of individual students. Its aims may range from furthering liberal education (the general development of human potential) to the narrower specifics of vocational education (the imparting and acquisition of specific skills).

¹⁷General discussions on the Judicial Lectures for Continuing Education for the Judiciary in 1989 Judicial Lectures: Continuing Education for the Judiciary, National Judicial Institute, Nigeria, MIJ Professional Publishers, Lagos 1991.

¹⁸ n1

¹⁹ Oxford Advanced Learner's Dictionary of Current English (1st impression, 7th edn, Oxford University Press, 2006) 1520

²⁰ n8.p.730

²¹ K I. Amadi, 'Human Rights and Public Interest Litigation' Interactive Session with Judges of the Federal High Court on Public Interest Litigation in Good Governance, Abuja, February 2024

²² n10

²³ n10

²⁴ Pedagogy- Diversifying Your Teaching Methods, Learning Activities, and Assignments, University of Minnesota Twin Cities. Accessed at <https://cei.umn.edu/teaching-resources/inclusive-teaching-predominantly-white-institution/pedagogy-diversifying-your-teaching-methods-learning-activities-and-assignments> March 2024.

3. How Technology can be used to improve Judicial Training

In modern times, the most significant catalyst for change in society is the advancement of technology, which has radically transformed the ways of doing things. Information and communication technology as a subset of technology has remained a factor that has continued to change the way humanity interact and communicate.²⁵ As the technologies continue to develop, their uses also continue to increase and the administration of justice being an activity which requires making information available, using the information and further producing it, the training of judges cannot afford to overlook these developments. The advancement in technology that is relevant to this present inquiry will include technology for the court room which supports what takes place in the court room, technology for the judge's office and the other supporting officers for processes, related case administration and documentation, and the technologies that support external communications with parties and general public. These would include, computer, the internet and other information communication technology (ICT) tools, security technology and others which can assist with execution of task and make execution of standalone task more efficient, precise and enhance hands on skills based on use and experience. It also requires technologies that enable communicating with users, keeping electronic records and which people can communicate and experiment in different ways that suits them. These technologies have revolutionised the dissemination of knowledge and development of skills, thus serving as invaluable resources in the training of Judges. Therefore, judges must be equipped with the technical proficiency to operate and engage with these technologies efficiently.

While the integration of technology is not an inherent goal of justice administration, the pervasive influence of technology across all spheres of human endeavour necessitates its incorporation into the judiciary. Moreover, the use of technology in judicial training should aim at addressing an identified problem, the most common problem that has remained intractable across every jurisdiction is complaints by court users, litigants and the general public about protracted delays and complaints about the integrity of judges and judicial staff.²⁶ Delay in proceedings and conclusion of cases in court as a problem to the due administration of justice goes against the values of timeliness and quality of justice and violates the norms of fairness and impartiality. Various international and regional conventions, including the Universal Declaration of Human Rights, 1948,²⁷ International Charter on Civil and Political Rights, (ICCPR)²⁸ the African Charter on Human and Peoples Rights²⁹ and the European Charter on Human Rights³⁰ recognised the problems of delay and through these state parties were to address it in their respective domestic judicial settings so that hearings and trials could be concluded without delay using the formula of fair hearing, fair trial and reasonable time.

Given the judicial core functions of interpreting statutes, protection of human rights and administering the law, it cannot afford to lag behind in technological advancement. Consequently, the application of technology to judicial training is both incidental and indispensable. The traditional method of judicial training is one that brings together a large number of judges at particular physical place where lecture papers are presented and at the end questions are asked and answered. In this method, little or no form of technology apart from the microphones and the cameras are used. In this age and times of technology, do we continue with this form and style, or do we modify by using available technology to meet with present realities. Is judicial education at risk in the face of the ever-increasing emergence of technology? Is technology a threat to judicial training and education or is technology an asset for the purpose of judicial training? It is hoped that the answers to these and many other questions that should be addressed at this Conference.

The phrase era of technology as applicable to this paper, appears to some degree to be a misnomer as some form of technology had existed at every point in human history. There are also various and varied forms of technology out there, however, what is important is the form of the technology that has direct bearing and impact on judicial training including the extent to which it can be applied and possibly sustained for the overall benefit of judges and ultimately, the effectiveness of justice administration.

In modern times and especially most recently, the most significant source of change is the advancement in technology which has radically transformed and eased the manner or ways of doing things and the training of judges cannot be left out. Considering also that rapid advancement in technology has created newer and emerging torts including crimes that neither legislation nor judicial decisions may not have provided for, it is apposite that judges alongside investigators and prosecutors should become familiar with through the use of technology.

In the light of the pervasiveness of digital technology to everyday life, digital technology plays a huge role in cases before the courts and in some cases, they are the subject matter of the cases. These have reinforced the emergence of new subject areas of the law such as internet law, law of cybercrime, information and communication law, cybernetics, etc. Advancement in technology that is relevant to this present inquiry, include computer and other forms of digital technologies such as the internet, internet of things, (iot's) security technology, cybernetics, and a host of others technologies that are still emerging. Technologies with adaptive and flexible tools makes it easier to pass on knowledge and build skills and are handy to be used in deploying both onsite and remote training for judges. For example, through digital platforms like zoom,

²⁵ R. Dory, *Technology for Justice. How Information Technology can Support Judicial Reform.* (2010) Leiden University Press, retrieved from <https://hdl.handle.net/1887/21365>

²⁶ n.9 *ibid*, p16

²⁷ Art. 10, UNDHR, 1948, UN. Gen. Assembly Re. 217 A iii. UN. DOCA/3,

²⁸ Art. 14

²⁹ Art. 7

³⁰ Art.6

google-meet, and AI powered apps judicial training institutions are able to create valuable training contents, share training courses and the judges as recipients participate in real time, access the targeted lessons, engage in the interactive activities and assess their learning experiences. Judicial training institutions can also easily upload and distribute different forms of content such as quizzes, videos, presentations, while participants can access the materials and literature wherever they are or whenever they wish using their smart phones, tablets or computers. Technological innovations enable flexibility in time management and active participation, hence enabling participants to book mark and agree on the schedules of judicial training, while available online resources can enable them to research and engage in self-taught lessons. Beyond the importance of technology to judicial training, the pedagogy of training must include how the judges can use these technologies in the course of training and in the courtroom considering that they are also necessary add-ons to adjudication as they make adjudication easier and more efficient. It is therefore of importance that the curriculum and modules for training for judges must include these technologies including aspects of the substantive laws enacted to regulate the application of these technologies.³¹

One key aspect of applying technology into judicial training is the use of digital case management. Standardized case management systems allow the judges to effectively track and manage cases, access relevant documents and manage caseloads within time, thus avoiding delays. As more and more cases involve the use of digital evidence, judges should also know or understand the complexities of evidence including the protocols for its collection, preservation, retention, admissibility and evaluation both for the purposes of relevance and legal proofs in court. Of critical importance in the integration of technology in judicial training is the use of legal research tools. The availability of the internet and other digital platforms has eased the manner and methods of conducting legal research, thus a large amount of legal literature, statutory authorities and case decisions or precedent of superior courts is made available to the judges and makes it possible to make concise and precise decisions or judgement that accord with justice in each case.

4. Judicial Training and the Use of Technology: Specific Matters Arising

Here are some specific issues that arise when considering judicial training in the era of technology:

Digital Evidence Handling: Training judges to understand and properly handle digital evidence, including chain of custody, authentication, and admissibility in court proceedings.

Cyber-security Awareness: Providing education on cyber-security threats and best practices to safeguard court systems and sensitive information from cyber-attacks.

Data Privacy: Ensuring judges understand the importance of data privacy laws and regulations when dealing with digital information in court cases.

E-Discovery: Teaching judges about electronic discovery processes and tools to efficiently manage and review large volumes of electronic documents in litigation.

Virtual Courtrooms: Training judges on conducting proceedings in virtual or hybrid courtrooms, including using video conferencing platforms and ensuring fairness in remote hearings.

Ethical Considerations: Addressing ethical issues related to technology use in the legal profession, such as conflicts of interest, confidentiality, and impartiality.

Tech-Assisted Decision Making: Educating judges on the use of technology tools, such as predictive analytics or case management software, to assist in decision-making while ensuring transparency and accountability.

Continuing Education: Establishing ongoing training programs to keep judges updated on advancements in technology and their implications for the legal system.

Access to Justice: Exploring how technology can improve access to justice, including online dispute resolution platforms and self-help resources, and ensuring judges are equipped to leverage these tools effectively.

Cultural Shift: Recognizing and addressing any cultural resistance to adopting technology in the judiciary, and promoting a mindset of continuous learning and adaptation.

5. The Case of the National Judicial Institute (NJI) Nigeria

The National Judicial Institute (NJI) Nigeria was established by Decree during the military era in 1991. With the return to democracy and democratization of institutions, the National Judicial Institute was re-enacted as Act No. 55 Laws of the Federation of Nigeria, with functions which include:

- (a) The Institute serves as the principal focal point of judicial activities relating to the promotion of efficiency, uniformity and improvement in the quality of judicial services in the superior and inferior courts.
- (b) The Institute conducts courses for all categories of judicial officers and their supporting staff with a view to expanding and improving their overall knowledge and performance in their different sections of service; and
- (c) provide continuing education for all categories of judicial officers by undertaking, organizing, conducting, and facilitating lectures, seminars, workshops, conferences and other programmes related to judicial education.³²

The National Judicial Institute as a member of the International Organization for Judicial Training (IOJT) in recognizing the relevance of technology to judicial training and to the administration of justice generally, a Judicial Information Technology Policy Committee (JITPO-COM) was inaugurated to chart the course for the implementation of technology in all the courts in Nigeria for the purpose of speedy and efficient disposal of cases. The JITPO-COM was also to provide the

³¹ Cybercrime Act 2015, Evidence Act 2011. Nigerian Communication Act,

³² s.3

background for building the capacity and skill of judges and court staff in relevant information and communication technology.³³ This policy committee made giant strides in the introduction of technology to the courts in Nigeria as equipment such as technologies for recording proceedings in court were introduced to reduce the typical and traditional modes of conducting proceedings in court using longhand.³⁴ Over the years, the JITPO-COM has made considerable inroads by integration of technology into Nigerian courts using the Nigerian Legal Email System, the Nigerian Case Management System both of which supports electronic filing (e-filing) of court processes.³⁵ Additionally, as part of measures to reduce the burdens that the COVID-19 pandemic brought on administration of justice by the courts in Nigeria, the National Judicial Council of Nigeria,³⁶ issued guidelines for the use of technology for judicial proceedings. The guidelines directed for the use of remote and virtual platforms such as Zoom, MS365 and Google-Meet. The period of the COVID-19 pandemic was truly a test for the Nigerian Judiciary because prior to the pandemic much thought was not given to the use of virtual platforms for court proceedings. In the guidelines titled “*National Judicial Council COVID-19 Policy Report: Guidelines for Court Sittings and Related Matters in the COVID-19 Period*”, the NJC informed the public that social media channels would be used to stream live court proceedings to the public while the courts were mandated to publish on a weekly basis the matters that would be heard remotely for that week.³⁷

6. Judicial Training in the Age of Technology and its Challenges

The demand to embrace technology for the purpose of accelerating judicial training and the proper functioning of judges has increased. This however, comes with it newer challenges such as computer related fraud, technical faults, control and compliance requirements, lack of skills to manipulate the technology, infrastructure changes and data security. Despite the benefits and opportunities afforded for judicial training in this era of technology, there are also disruptive draw backs especially in relation to their authenticity, reliability and validity when judges are trained on their use for the purpose of making judicial decisions. In this connection, trainers must make the judges to be aware and to identify or distinguish the potentials of each of these technologies to avoid challenges that rather than making the judicial process and proceedings to be efficient and effective, unduly hinders due administration of justice. In order for judges to apply technology to their training, they must first be trained to have a baseline understanding of technological inventions and most times those to facilitate these training lack the relevant expertise or competence in those technologies. This means that, training institutions have to delay training for judges or incur huge expenditure and rely on foreign consultants and resource before such training are implemented. Closely associated with this is the exponential advances in technology, for example, the emergence of the smart fridge raises legal questions about liabilities in the law of contract, agency, moreover, judges receive documents in digital format, but they are not always able to or equipped to handle the digital assessment or evaluation, and the chain of evidence transfer that is often associated with it, hence unable to keep pace with changing technology: The evolving and emerging nature of technology and its innovations makes one form of technology to become quickly obsolete. Identifying the particular technology in use also raises questions as to the functions, comparable results and level of implementation of particular technologies across different jurisdictions. This create difficulties of what and how to compare for purposes of judicial training, the problem becomes more compounded as most of the information on the types of technologies available and used in judicial training in most jurisdictions is not readily available as open source.

Additionally, some technologies such as artificial intelligence using facial expression, social-media and surveillance technologies has been criticised for infringing on freedom of speech and expression as they contain embedded forms of unconscious bias This makes it difficult for judicial training institutions to keep pace and are forced to keeping adding to the pedagogy of judicial training so that judges will be equipped with the requisite skills to learn and to adapt independently. It is important to also realise some of the scepticism that judges likely have about technology arising from a previous negative experience, these could be in terms of malfunctioning equipment, non-availability of replacements and spare parts, non-compatibility or non-functional components. Also, since almost all technological devices require some form of energy to operate, and in the absence of alternative energy sources, the problem of constant power supply becomes inevitable for judicial training institutions in jurisdictions that suffer periodic or long drawn power outages. It is recommended that the implementing virtual reality simulations can provide judges with realistic scenarios to practice decision-making, improving their judgment skills in complex situations. Also, developing interactive online courses tailored to judicial training can allow judges to access training materials conveniently and at their own pace, covering various legal topics and case studies. Furthermore, utilizing data analytics tools can help identify patterns in judicial decisions, providing insights into potential biases or areas for improvement in decision-making processes. Undoubtedly, artificial Intelligence for legal research platforms can assist judges in quickly finding relevant case law and legal precedents, saving time and enhancing the quality of their rulings. Remote implementing remote collaboration tools can facilitate knowledge sharing and discussion among judges and the creation of offline training modules for use in jurisdictions where use of technology is difficult.

³³ K. Zannah, ‘An Overview of the Judicial Information Technology Policy (JITPO)’ (All Nigeria Judges Conference of the Superior Courts of Record, National Judicial Institute, Abuja, November 2017)

³⁴ *n.11*

³⁵ *ibid*

³⁶ The National Judicial Council (NJC) is a public institution established by s.153 of the Constitution of the Federal Republic of Nigeria, 1999 with functions of appointment, discipline, payment of salaries and retirement benefits of Judges of the Superior courts of record in Nigeria.

³⁷ *Daily Trust Newspaper*, 8 May 2020 accessed at <https://dailytrust.com/covid-19-njc> 25 March 2024.

7. Conclusion

Technology is not a goal of justice, rather technology and emerging innovations under it has transformed administration of justice in ways that brings about possibilities and challenges that has been found to be crucial for fair and efficient justice delivery by the courts. Protracted and inordinate delay in court proceedings has become a problem that affects the values of integrity and fairness of trial. It has continued to linger leading to increase in loss of confidence, hence much public outcry. Delay has continued despite several legal frameworks provided for in the United Nations Universal Declaration of Human Rights 1948, the International Convention on Social Political Rights and other regional conventions such as the African Charter on Human and Peoples Rights to ensure commitments to fair hearing and trials without delay. The adoption and deployment of technology in the courts makes for ease of execution of task, creates precision and completion of proceedings or trials in record time, thus raising the bar for speedy adjudication and rebuilding public trust and confidence in the courts. Correspondingly, the use of technology for purposes of judicial training opens up the spheres of knowledge and skills of judges about the know-how of manipulating technological inventions such as computers, and online tools available on the internet. It is only axiomatic that officials at all levels of the justice system be proficient in cutting edge tools and technology. This also calls for targeted training, extensive practice the devices, software and systems. For judges to be able to navigate the complexities of the digital age, it is important that the training curriculum of judicial training institutions should include technology just in the same way as judicial ethics has been included in the training of judges. The contents or modules in such curriculum should include topics such as digital evidence, use of social media and emerging technologies.