



**PERFORMANCE REPORT ON CASEBACKLOG
REDUCTION IN THE LAW COUNCIL
DEPARTMENT**

**Presented at the Review Conference for the JLOS Case
Backlog Quick Wins Reduction Programme**

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By

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1.0 Background.

The Law Council is one of the Departments in the Ministry of Justice and Constitutional Affairs. One of the functions of the Law Council is to exercise disciplinary control over advocates and their clerks. This function is exercised through the medium of the Disciplinary Committee.

The Disciplinary Committee of the Law Council composed of five (5) members as follows:

- The Director Law Development centre,
- The Solicitor General or his/her representative,
- The President Uganda Law Society and
- Two representatives from the Uganda Law Society.

The Committee receives complaints of professional misconduct from aggrieved members of the public and sometimes complaints originated by the Law Council Secretariat upon directions of the Law Council members. The Law Council secretariat which is the administrative body of the Law Council is charged with the duty of administering all the Council activities, also prosecutes these complaints before the Disciplinary Committee. On average the Council receives 150 complaints every year.

2.0 Case Backlog

The Law Council's case backlog problem dates as far back as 1994. It is important to note that with the support of JLOS the number of complaints from 1994-2000 have reduced and those that have not been handled are due to a number of reasons as shall be presented later in this report.

Since May, 2010 when the Backlog reduction strategy commenced, we have been able to conclude 84 cases. [See list attached and marked 'A']. Even with this reduction, we still have **950** Cases in the system.

2.1 Reasons for the success

This achievement is attributed to:

- the availability of funds by JLOS which enabled the Committee to conclude a good number of cases in the Backlog weeding out exercise,
- the members and staff commitment towards the task, given the fact members perform this duty outside their normal routine duties.

2.2 Causes for Case Backlog.

There are a number of reasons leading to the existence of case backlog in the Law Council Department and these include:

(i) Lack of adequate manpower.

In the 1990s, the Law Council Secretariat had only the Ag. Secretary Law Council, who was charged with handling all the functions of the department, despite the fact that the number of complaints was approximately 100 per year. As a result, hearings could only be conducted if the Ag. Secretary being the only prosecutor was available, leading to a number of complaints pending hearing.

In the post 2000 period, the manpower was gradually increased but the Law Council was bogged down by the amendment of the Advocates Act by the Advocates (Amendment) Act No. 13 of 2002; which required all complaints to be fully heard by the Committee before disposal, a process that has greatly slowed/reduced the disposal rate of the Committee.

It should also be noted that despite the increase in manpower within the Law Council Secretariat, the workload is still enormous with each prosecutor having an average of 150 complaints.

(ii) Few sittings of the Disciplinary Committee.

The Committee sits once a week unless, there is a special session, coupled with this is the fact that members of the Council hold other offices on full time basis, and as such cannot meet on a daily basis.

As a result, members find it difficult to prepare rulings expeditiously, because they have to harmonize with their routine duties in their offices; hence low output.

(iii) High number of complaints registered.

As mentioned above, on average the Law Council registers 150 complaints and yet the Committee only meets once a week to hear the complaints. We also have to take into consideration the fact that the Committee has to handle all the old complaints, some of which require to be heard *denovo*.

(iv) The procedure of the Committee.

The procedure of the Committee as established by the Law is quite lengthy and this clogs the system. A clear example is the requirement that all complaints which have been registered must be disposed of by the Committee fully constituted, upon conclusion of the hearing of the complaint even were some of the complaints lack merit, and could be handled at the Secretariat, level.

(v) Change in quorum of the Committee.

The Committee is composed of 5 members and three of them have temporary tenure. When their terms of office lapse the new ones are elected into office and start serving on the Committee. This means that special hearings will have to be conducted to conclude the part heard complaints which are not easy to organize due to the different schedules. This means that all the part heard complaints have to be heard *denovo* since quorum for the hearing of a complaint is three. We have as a measure, had to cause-list the complaints for hearing *denovo*.

3.0 Challenges

- Members' facilitation is still low at **Ug.Shs: 140,000/=** per sitting as such they are not available on a daily basis for the sitting.
- Lack of sitting space, the Committee uses the board room or library of the Ministry of Justice and Constitutional Affairs which is shared by all the directorates and departments, and when both are being used then a sitting is impossible.
- Delay in processing and release of backlog funds.
- Inadequate funding.

4.0 Recommendations

In an attempt to reduce the case backlog we propose the following measures:

- (i) Amendment of the *Advocates Act [Cap. 267]* and the Regulations made there under to empower the Secretariat to determine the matters which should be prosecuted just like it was before the amendments of the Advocates Act. The amendment should also possibly address the issue of quorum such that part heard matters should be able to continue as long as there is a member of the previous quorum still serving on the Committee.
- (ii) Increase in number of sittings, which would allow more matters to be heard.
- (iii) Capacity building through training for both the members and the prosecutors to enable them adapt to faster ways of handling matters. We believe the training would also equip the members with the values, principles and goals which would go a long way in creating and facilitating a faster system of handling complaints.
- (iv) Study tour in other relevant jurisdictions to be undertaken to equip the members and the Prosecution with the best practices for improved performance.
- (v) Increased funding to cater for the increased sittings.

- (vi) In addition to the above proposals, we intend to conduct some sessions upcountry on specific days to make it convenient for the parties, which in turn may also increase our output as well.
- (vii) Taking drastic disciplinary action against advocates with several complaints. Such measures include: both definite and indefinite suspension from legal practice and compensation of any loss caused.

In conclusion, we would like to thank JLOS for its support and we hope that implementation of the above recommendations and your continued support will go a long way in improving the department's output and performance generally.

I thank you for listening to me.