



THE JUDICIARY
OF GHANA



COURT CLERKS/RECORDERS

HAND BOOK

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FOREWORD

As part of the effort to make justice delivery more efficient, the Judicial Training Institute (JTI) on behalf of the Judiciary and Judicial Service of Ghana has developed this handbook as a guide to Court Recorders and Court Clerks in the performance of their official duties.

The handbook provides procedural guidance to Court Recorders and Court Clerks. The effort to produce a guide of this kind underscores the fact that the Registry and courtroom work constitute an important part of the work of the courts.

Even though the handbook may not embody every essential guideline covering all areas critical to the functions of a Court Recorder and Court Clerk, every attempt has been made to capture the most salient features or requirements of their work. It is hoped that the materials contained in this handbook will serve as a beneficial starting point and provide a basis for standardizing practice in the operations of the Registry and courtroom as far as the performance of Court Recorders and Court Clerks are concerned.

It is further envisaged that all Court Recorders and Court Clerks will diligently study and apply the guidelines contained in this handbook. The handbook must of course, be read alongside the Code of Ethics for Employees as well as other relevant legislation and regulations.

We trust that this handbook will serve a very useful purpose in our endeavor to improve justice delivery in the courts in Ghana.

Ag. Director, JTI
May, 2011

INTRODUCTION

The efficient administration of courts is essential to the delivery of an effective justice system. Judges and magistrates cannot undertake their duty of hearing and determining cases in a timely and efficient manner without the assistance of court administrators. Court Clerks and Recorders are therefore an important part of courtroom administration.

This handbook is designed to guide court clerks and recorders on the expected conduct and competencies required to execute their duties with efficiency. It states the standard which courts clerks or recorders are required to meet and sets out the expected conduct. Every clerk and recorder is expected to read and understand what is contained in this Handbook.

It highlights the special skills required of court administrators to meet the administrative needs of a modern court or bench.

It is expected that a court recorder/clerk keeps this Handbook as a reference point to assist with the execution of tasks as a recorder. Court clerks or recorders are encouraged to direct any question they may have to their registrar in the first instance and ultimately to the Judicial Secretary, using the appropriate channels of communication and administrative procedures.

By accepting the appointment as a court clerk/recorder with the Judicial Service of Ghana, one accepts the prevailing policies, regulations, terms and conditions of the Judicial Service of Ghana.

WHO IS A COURT RECORDER?

A court recorder is an officer of the court who records and transcribes proceedings in court. He/she transcribes speech (evidence) into written form through the use of electronic equipment where available or in the case of the unautomated courts, manually from the judge's record book.

WHO IS A COURT CLERK?

A court clerk is an officer of the court who provides direct support services to the judge/magistrate. He/she is responsible for all clerical duties when the court is in session. He also serves as a link between the registry and the court by providing the judge/magistrate with all material document/information the judge /magistrate may need from the registry, for the discharge of his duties.

COMPETENCIES REQUIRED OF A COURT RECORDER

A court recorder has a duty to record all court proceedings accurately and precisely so as to ensure that the meaning is conveyed. To do so, the court recorder shall bring two (2) core competencies to bear on his/her performance. These are:

- a. Technical competence
- b. Attitudinal competence

Technical Competence

This involves the following:

- a. Excellent spelling and grammar skills
- b. A minimum typing speed of 40 w.p.m. with minimal errors
- c. A basic knowledge and awareness of legal vocabulary and legal procedure
- d. Good punctuation skills
- e. Computer literacy
- f. An understanding of courtroom management and case flow management

Attitudinal Competence

This competence entails:

1. Good listening and hearing skills
2. Excellent ethical standards and a good measure of integrity and confidentiality (see Code of Conduct for Employees of the Judicial

Service of Ghana)

3. Ability to work under pressure and to meet deadlines
4. Punctuality to work in order to set or get the recording system ready before court starts.

In general, the court recorder must exhibit high ethical standards and behaviors to suit the unique nature of courtroom work and the competing demands on their job.

THE DUTIES AND RESPONSIBILITIES OF A COURT RECORDER

1. Producing verbatim transcripts of legal proceedings.
2. Ensuring a complete, accurate and secure legal record.
3. Preparation and protection of legal records
4. Typing official correspondence, court orders and decisions.
5. Typing cause list.

DUTIES OF THE COURT CLERK

The court clerk arrives at work early enough to set up the recording equipment and to test them before court work begins.

The court clerk also provides administrative support for the Court during the following three (3) phases:-

1. Before the trial
2. During the trial
3. Post trial

Before the trial duties

Setting up the Courtroom for hearing

It is the duty of the court clerk to ensure that the courtroom is prepared prior to the commencement of work. This is done by ensuring among other things that:

- i. The law books, record books and bench papers are well placed on the judge's/magistrate's bench.
- ii. All materials essential for oath administration such as the Bible, Koran and the Cross are available in the court.
- iii. The court's diary, exhibit stamp and all necessary court forms

(committal and default warrants, bail form, remand warrant etc.) are available in the courtroom.

- iv. All dockets for the day are available in the courtroom
- v. All participants are seated before the judge/magistrate is ushered into the courtroom.
- vi. The cause list for the week is prepared and pasted on the notice board.

Maintaining Court Equipment

The court recorder shall take proper care of the equipment entrusted to him/her. This is done by:

- i. Ensuring proper use of court equipment, and
- ii. Court equipment shall not be used for private purposes or undertakings.

During the Trial

This is the most crucial phase of the court recorders/clerk's work. The court recorder has the daunting task of ensuring that all proceedings are recorded, transcribed and released on time to enable the judge/magistrate to write judgments orders and rulings.

STEP BY STEP RECORDING OF PROCEEDINGS IN AN AUTOMATED COURT

- i. Enter the cause list on the recording equipment
- ii. Click on case mentioned and press on the recording button
- iii. Record all participants in the proceedings in the case. This includes the lawyers, parties, witnesses, prosecutors and accused as the case may be.
- iv. Save at the end of each proceeding
- v. After the day's work play back the recorded proceedings and type at the same time.
- vi. Edit the typed proceedings and make necessary corrections
- vii. Submit the typed version to the judge for verification.

RUNNING A COURTROOM HEARING

1. The official language of the court is English
2. The court clerk's duties and responsibilities during the hearing are to:-
 - i. Call cases

- ii. Swear the witnesses
 - iii. Receive and mark exhibits after same have been tendered and admitted or rejected.
 - iv. Fill in the bail form or remand warrant or committal warrant.
 - v. Keep order in the court – ensure that there is silence.
 - vi. Direct persons where to stand when they are called.
3. Ensure that cases are called in the order directed by the judge/ magistrate or listed on the cause list.
 4. The Court clerk shall speak in a clear voice when calling cases, addressing the public, or swearing witnesses.
 5. Cases shall only be called when the prior case has been dealt with and the judge/magistrate indicates that he/she is ready to have the next case called.
 6. All persons called before the court shall be directed by the court clerk in a clear voice to a pre-determined place within the courtroom. Persons shall normally be directed to the dock or to a seat immediately behind the Bar table. Seats behind the Bar table should be kept vacant for this purpose.
 7. The court clerk/recorder shall follow the directions of the judge or magistrate in the control of the court during sittings.
 8. The courtroom must be silent and there shall be no distraction.
 - 9.. Young children should not normally be allowed in the court unless appropriately supervised.
 10. Hats are not to be worn within the courtroom unless it is a cultural/ religious imperative for the person
 11. Eating or chewing of gum is not allowed in the courtroom.
 12. The court clerk shall not leave the courtroom unattended without the permission of the Judge or magistrate.
 13. When the court clerk enters or leaves whilst the court is still sitting, the clerk shall bow to the bench.
 14. At the end of the court sitting, the court clerk shall ensure that all warrants/documents are completed and noted, and the court dockets and files appropriately filed.
 15. Adjourned cases shall be entered in the diary according to the date of hearing.
 16. Unauthorized movement of dockets and record books are prohibited.
 17. The court clerk shall ensure that all warrants are issued immediately and signed by the magistrate/judge and handed to the police/prison authorities before they leave the court.
 18. All warrants that are hand written are to be written in clear legible manner.
 19. Mobile phones shall not be used in the courtroom
 20. There shall be no reading of newspapers in the courtroom
 21. The court clerk must ensure that babies are not carried into the dock.

It is exceedingly important for the court clerk or recorder to carry out his/her duties in a professional and expeditious manner with minimal error. Accuracy and timeliness are therefore very essential qualities for the performance of the recorder's or court clerk's duties at the trial.

Post-Trial

1.COURT CLERK

The Court Clerk shall at the conclusion of trial of any action, in accordance with order 36 rule 7 of CI47 make a certificate certifying the following:

- a. Time spent on the trial.
- b. Any Order made by the Judge under Order 38 rule 5 or 6 of C.I. 47.
- c. Judgment given by the Judge.
- d. Any Order made by the Judge as to costs.

The Court Clerk shall also:

- i. Take charge of every document or object put in as exhibit during the trial.
- ii. Mark or label each exhibit with a letter or letters indicating the party by whom the exhibit is put in or the witness by whom it is proved, and with a number, so that all the exhibits put in by a party or proved by a witness are numbered in one conservative series.
- iii. cause a list to be made of all the exhibits in the action, and any party may, on payment of the prescribed fee, have an office copy of that list and any documentary exhibit.
- iv. The list of exhibits when completed and any documentary exhibit shall be attached to the pleadings and shall form part of the record of the action.
- v. For the purpose of this rule, a bundle of documents may be treated and counted as one exhibit.

COURT RECORDER

After the judge/magistrate has given judgment in a case the, parties involved may apply for a certified true copy of the judgment and or the proceedings. At this stage the recorder is expected, on the direction of the registrar to

produce the copies. Where the case goes on appeal the Recorder is required to compile the appeal records. The court recorder must not demand or accept favours or bribes from the public in order to produce copies or records. Doing this undermines the integrity of the justice process.

The Role Of The Court Recorder In Preparing Appeal Records

After the parties have settled the record of appeal, the registrar assigns a court recorder the duty to prepare the record of appeal.

1. In the automated court, the court recorder shall produce the proceedings already saved on his/her computer and compile same.
2. In a non- automated court, the court recorder has the onerous duty to type all the proceedings recorded in ink by the judge/magistrate to meet the deadline for the submission of the appeal.
3. After producing the record of proceedings the court recorder must read through and make the necessary corrections.
4. Submit the required copies to the registrar for verification and certification.

Order 51 Rule 8 of CI 47, prescribes that the appeal record must be produced within thirty (30) days, after the appellant had deposited the prescribed fee to cover the expense of compiling and forwarding the appeal as well as the sum or security by bond for the prosecution of the appeal.

DUTIES OF A COURT CLERK AT THE CRIMINAL ASSIZES

Trial on indictment is conducted at the High Court and it is done by jury. Cases which are tried on indictment are first sent to the District Court for preliminary hearing and upon receiving a Fiat from the Attorney General's Office. The District Court after the preliminary hearing, commits the accused person(s) to the High Court for trial.

When an accused is committed to the High Court, the registrar of the District Court where the accused was committed shall compile and forward the following to the registrar of the High Court:

- i. The Bill of Indictment
- ii. The summary of evidence
- iii. Recorded statement of the accused and his answers (in a Form)
- iv. Recognizance of witnesses

- v. Recognizance of bail (if any) and
- vi. Any documents/items to be tendered in evidence as exhibits at the trial. (Documents/items to be tendered in evidence as exhibits shall be handed over to the police for same to be tendered at the trial).

NOTE: The court clerk shall ensure that all the above mentioned are on the docket before the commencement of the trial.

FORMAL OPENING OF THE CRIMINAL SESSION

At the beginning of every legal year the Chief Justice formally opens the criminal session to mark the commencement of trials on indictment. The Chief Justice may also delegate this responsibility to the Supervising High Court Judges in the Regions to open the criminal session in the Regions.

STEPS IN THE CRIMINAL SESSION

a. Opening proclamation

When the judge is ushered into the courtroom and assumes his seat, the court clerk pronounces as follows;

“OYEZ: OYEZ: OYEZ: The criminal session of the High Court of Justice, Ghana in the (‘A’ Region...) is now opened for all cases to be tried therein”

The court clerk then calls the Deputy Sheriff (Registrar) in the following manner:

“OYEZ: OYEZ: OYEZ: The Deputy Sheriff (Registrar) returns the several writs and precepts directed to you returnable this day which his Lordship the Judge may enquire therein”.

After the formal opening, the court clerk shall warn the jurors as follows: “Gentlemen of the jury, please answer to your names and save your fines”. The court clerk shall then call the names of all the jurors from the list compiled by the registrar. Any juror who fails to answer to his name shall be liable to a fine fixed by law.

b. Reading of indictment and calling accused to plead

- i. Each accused person committed for trial is placed in the dock in turn. However, if two or more persons were jointly charged with an offence they are placed in the dock at the same time. The court clerk shall read over the indictment and upon request, the interpreter shall interpret same to the accused person.
- ii. The court clerk shall then take the plea of the accused person.
- iii. If the accused pleads guilty, the court clerk shall state as follows:
- iv. "Mr./Mrs./Miss etc. 'BB' you have pleaded guilty to (the offence). Have you anything to say why the court should not pass sentence upon you according to law"?

c. Plea of 'Not Guilty'

- v. If the accused pleads not guilty, the Attorney General or the State Attorney shall indicate to the court the order in which he wants the cases to be called and heard. The court clerk shall give the following warning to the accused:

"The jurors who are to try you are now about to be sworn; if you object to any of them, you must do so as they come to the book to be sworn and before they are sworn and you shall be heard".

The jurors are then chosen through balloting and called to the jury box to be sworn following the silence or objection of the accused, after which the court clerk shall call out the names of the jurors for counting and declaration. He then asks the jurors to choose their foreman.

The juror's oath is as follows:

"I swear by the Almighty God that I will well and truly try the issue joined between the Republic and the Prisoner at the bar, whom I shall have in charge and a true verdict given according to the evidence".

Non-Christian jurors may affirm or take the oath in any form.

d. Giving Prisoner In charge

The foreman then takes his seat in the jury box after which the court clerk shall read the indictment to the jury and shall give the prisoner in charge as follows:

"Gentlemen of the jury, the prisoner stands charged by the name K. K. D., for that he, on the.....day of.....20.....(followed by the particulars of offence stated in the Bill of Indictment).

It continues;

"Upon this indictment, he has been arraigned, and upon his arraignment, he has pleaded not guilty; and for his trial, he has put himself upon the country, of which country you are. Your charge, therefore, is to inquire whether he be 'Guilty' or 'Not Guilty'; your duty therefore, is to listen carefully to the evidence that will be adduced before you and give a true opinion thereon".

Witnesses' Oath

Witnesses at the trial shall subscribe to the following oath or affirm as the case may be.

"I swear by the Almighty God that the evidence I shall give the court and the jury sworn between the Republic and the prisoner at the bar, shall be the truth, the whole truth, and nothing but the truth".

After an adjournment, the court clerk shall call out the names of the jurors empanelled in the case.

e. Taking the verdict

After the trial of a particular case and after the jurors have retired to consider their verdict and upon their return to court, the court clerk shall enquire of the foreman as follows:

"Have you agreed upon your verdict"?

The foreman shall inform the court what their verdict is, or that they are not in unanimous agreement.

Where the jury is not in unanimous agreement, the court may require them to retire for further consideration.

After a period that the court considers reasonable, the jury is called to deliver their verdict or state that they are not unanimous in agreement.

If the answer is in the affirmative, there shall be a follow up question which goes:

"How say you, is the prisoner at the bar 'Guilty' or 'Not Guilty'?"

Where the jury is unanimous about the guilt of the prisoner the court shall give judgment in accordance with that verdict. Where the jury is not unanimous in agreement but the verdict is a majority of not less than five to two in respect of an offence which is not punishable by death, the same shall be held or taken to be and received by the court as the verdict of the jury.

If the prisoner is found to be guilty, either unanimously or, as above mentioned, by a majority, the court clerk shall announce to him as follows:

"K. K. D., you have been duly convicted of (the offence). Have you anything to say why the court should not now pass sentence upon you according to law?"

f. Death Sentence

The death sentence is pronounced by the judge as follows:

"The sentence of the court upon you is that you be taken hence to the prison where you came and that you be there hanged by the neck until you be dead, and that your body be afterward buried in such place as the Head of State may order. And may the Lord have mercy upon your soul".

The court clerk shall respond "AMEN".

When the session comes to an end the court clerk shall make the following closing remarks:

"OYEZ: OYEZ: OYEZ: the criminal session of the High Court of Justice, Ghana, in the (Greater 'B' Region.....) is now closed. All manner of persons having anything further to do before the said court may depart hence, and give their attendance here on the date to be notified them. God save Ghana and His Lordship the Judge".

The court clerk shall prepare the necessary minutes in respect of the death sentence to the registrar who in turn immediately informs the Chief Justice through the Judicial Secretary of the death sentence.

Record of the Proceedings

1. Under no circumstance can a court recorder release the record of proceedings or part thereof to any person or group of persons without the instructions of the registrar.

2. The Registrar is the certifying officer of the court.
3. The work of the court recorder ends when the record of proceedings are submitted to the registrar.
4. The Court Recorder may also be assigned other duties by the registrar.

Duty to Record Accurately and Precisely

A recorder has a duty to record or transcribe accurately and precisely what has been recorded by the judge or magistrate in the record book or has been captured by the electronic recording system as the case may be, so as to ensure that the proper meaning is conveyed. He/she should remain impartial, impersonal and emotionally detached from what is being recorded or transcribed.

A recorder must refrain from altering the court records either by the unauthorized insertion or removal from a given text. Similarly, a recorder must not make additions or deliberate omissions. He/she should endeavour to replicate the type of language being used in court whether it is simple, legal, formal or colloquial. A recorder must also restrict him/her self only to what is said, without changing the meaning based on his/her personal opinion or sensitivity.

A Duty to be Punctual

It is the duty of every court clerk/recorder to be punctual to work. Punctual attendance at work is required of courtroom staff to ensure that the court runs efficiently. Many people work together to enable the court to operate effectively and efficiently. The Court relies on you to be on time.

The court clerk/recorder should be at post at least 30 minutes before court commences and be available till the close of the working day, which is 4.00 pm.

Note the following:-

- a. Court work starts from 8:00 a.m. to 4:00 p.m. for all Court staff.
- b. Court staff must seek permission from the Registrar before leaving the office during official hours.
- c. Court staff shall inform the registrar at the earliest opportunity if they intend to be absent from work on an emergency.

Late Arrival or Early Leaving of Recorders/Clerks

If the court clerk/recorder arrives late without providing a reasonable explanation, it may result in disciplinary action being taken against him/her.

If after this, further problems with attendance are encountered, the registrar will decide what further action will be taken in accordance with the laid down procedures of the Service.

A Duty of Confidentiality

A court clerk/recorder has a duty of confidentiality in order to protect the integrity of the court process.

Recorded proceedings saved on the computer are confidential material and no staff, litigant or lawyer should be allowed access to the recording system or any court material.

The court recorder should not disclose information or evidence or any material in a case to any person or group of persons.

Remember that the registrar is the certifying officer of the court. He is the primary source of information and therefore responsible for responding to enquiries concerning official requests for information.

GRIEVANCE PROCEDURE

A court recorder who has any grievance may channel it through the following command chain:

- i. The Registrar
- ii. The Magistrate/Judge
- iii. The Regional Registrar (if the issue is administrative)/Chief Registrar General
- iv. The Supervising High Court Judge
- v. The Oversight Judge
- vi. The Judicial Secretary
- vii. The Chief Justice

RELATIONSHIP WITH LITIGANTS, LAWYERS AND THE POLICE

The court is an independent public institution. Any relationship with other court users should reflect this independence. All dealings with litigants, lawyers, the police and other court users, should reflect the fact that the court is independent.

The court clerk/recorder must work hard to ensure that the public perception about the courts is improved and that all litigants, lawyers or police prosecutors receive impartial treatment from the court.

The following procedures shall be observed:

- i. Court clerks/recorders must work with litigants, police and lawyers in an atmosphere of mutual respect.
- ii. Independence of the courts should not be compromised when working with the police, litigants and lawyers.
- iii. Court clerks/recorders shall not be seen to be representing the interests of the police or lawyers or litigants.
- iv. Particular care shall be taken to ensure that no individual, the police, litigant or lawyer, is given preferential treatment by court staff over the other.
- v. Lawyers and litigants are required to file documents and to act according to the court procedures and no special treatment shall be allowed to anyone.
- vi. Court clerks should not allow the lawyers and litigants to go through court files.
- vii. The use of court facilities by litigants, police and lawyers is not permitted except by express permission of the registrar who must be satisfied that it is for court related purposes and not personal business.
- viii. Court staff shall not accept, under any circumstance, any gift or benefit from members of the legal profession, the police or litigants.
- ix. Requests for any court information or material should be made to the Registrar.
- x. Court Clerks and recorders should refuse any requests made to them for any unofficial release of court material, records or information and report such conduct to the Registrar, Magistrate/Judge.

Conflict of interest

The court clerk or recorder is advised to make the judge/magistrate aware of any conflict of interest such as when the recorder knows any of the parties or potential difficulty which is envisaged or may arise as a result of their relationship with a court user so that the judge/magistrate may decide how to proceed.

DRESS CODE

The Judicial Service has a strict dress code for all staff. Court clerks and recorders are expected to turn up to work in the prescribed Judicial Service uniform.

The court room is a public forum. As such, courtroom staff are expected to dress neatly at all times especially during court sittings. All courtroom staff must therefore adhere to the dress code to ensure that they present themselves well to the general public so as to maintain the Service's reputation as a professional organization.

GENERAL ATTIRE AND APPEARANCE

Court staff shall wear official clothes at all times.

Men are to wear:

- i. Dark tailored trousers
- ii. Black shoes
- iii. A plain coloured shirt
- iv. Tie
- v. Jacket

Jeans, sandals, brightly coloured shirts and brightly coloured ties are not allowed in the court room.

Ladies are to wear:

- i. Navy blue skirt or trousers in the prescribed style for junior staff
- ii. Black skirt or trousers in the prescribed style for senior staff
- iii. A blouse in the prescribed style using the Judicial Service print
- iv. Navy blue or black jacket
- v. Low heeled or flat closed toe shoes
- vi. Court room staff may wear the Judicial Service cloth in a traditional

style on Fridays. Such styles must be modest and befitting of a court room.

- vii. Open toed shoes, slippers, traditional sandals such as "Ahenema" or locally made rubber slippers known as "Charley Wotey's" are not allowed in the courtroom.
- viii. Clothes should be clean, neat and well ironed.
- ix. Hair styles should be modest, simple, neat and befitting of a courtroom.
- x. ID cards shall be conspicuously worn at all times during any court hearings and during working hours for security purposes.

DUTIES OF OTHER COURT STAFF

THE BAILIFF

The bailiff is a key personnel in the justice delivery system. The work of the bailiff is so crucial that if not carried out professionally it will affect the smooth running of the court. The duties include:

- i. Service of notices, summons, orders and other processes.
- ii. On the request of the party, to explain the content of the process to them.
- iii. Documents shall be served personally on a person unless otherwise directed by the Court or the rules of the Court. A duplicate or attested copy shall be served on the party.
- iv. Service/execution shall not be carried out on Sunday, Good Friday, Christmas day or the day next before the Christmas day or a public holiday
- v. When partners are sued in the name of their firm, service shall be made on any of the partners
- vi. Service on a body corporate shall be made to the proper address at its registered or principal office on:-
 - a. The Chairman
 - b. The President
 - c. The Head of the body
 - d. The Managing Director
 - e. The Secretary
 - f. The Treasurer or similar officer
- vii. Service of document on a stool/skin shall be made on the occupant of the stool or skin or any of the following;
 - a. Secretary
 - b. Clerk
 - c. Linguist of that stool or skin or the regent (or caretaker where it is vacant).

- viii. Service of a document on a family under customary law may be effected on the following:-
 - a. The head of family
 - b. The caretaker
 - c. A principal member of the family
- ix. Service of document on a person in prison or detention, shall be served on the person in charge of the prison or place of detention e.g:
 - a. The warder
 - b. The guard
- x. Service of a document on a person with disability, shall be on the father, the mother or a person with whom the disabled resides and this is deemed sufficient service
- xi. The court may direct a document to be served on the administrative head of a Ministry or a department where a person is a Government employee

Process Book

There shall be a Process Book in which details of service and non-service shall be entered. The bailiff shall ensure that the results of service is entered in the Process Book as soon as practicable

Proof of Service

1. When a person to be served becomes violent or issues threats to the bailiff, the document shall be explained and left near the person.
2. There shall be certificate of service signed by the bailiff for all processes served.
3. Where there is non-service of process, there shall be certificate of non-service of process.

GLOSSARY OF TERMS USED IN THE COURT

Adjourned	A case is adjourned when hearing is postponed for a period of time for some reasons. Cases may be adjourned for a variety of reasons e.g. when there is no legal representative for a party, illness, or fresh evidence is to be considered.
Appellant	An individual who appeals against the decision of a court. The party that appeals a court judgment. This does not depend on who was plaintiff or defendant in the trial court. It refers to the party who has shown his displeasure with the trial court's decision or judgment and has gone on to file at the appellate court for redress.
Bail Hearing	A person who is detained but wishes to be released applies for a bail hearing.
Cause List	A list of cases to be dealt with in a particular court.
Determination	A written decision by a court after hearing. It will contain reasons and state whether an application has been allowed or dismissed.
Docket	A file which contains legal processes in a particular case
Exhibit	Something that is used in a court of law to show that an event happened in order to prove the guilt or otherwise of somebody.
Explanatory Statement	A written statement offering further details about the evidence.
Judge	A member of the judiciary who decides cases in the Circuit and High Courts, Court of Appeal or Supreme Court.
Litigant	A person who makes or defends a claim in court.

Magistrate	A member of the judiciary who hears cases in the District Court.
Plea	The response given by a person charged or summoned in a court of law to the charges or claims.
Prosecuting Officer/Prosecutor	A Public officer (usually a Police Officer in Ghana) who proffers charges against an accused person officially and prosecutes the accused in court.
Representative	A party in an action may nominate an individual, a firm of solicitors, a law centre or an advisory centre to represent him/her in the action.
Sentence	The punishment given by a court of law after finding an accused person guilty.
Surety	The surety is a person who accepts responsibility if somebody else does not pay a dept or appear in court.
Withdrawn	If an appellant no longer wishes to proceed with an action or appeal, he must make a formal application in writing to withdraw the case or make the application in person at the hearing.
Defendant	The defendant is the person who is sued and must defend against the action.
Petitioner	This refers to a person who files an equitable action, a non adversarial action or who files an appeal. Most cases are adversarial in which the two parties have opposing interests or claims. There are however cases in which the parties have some common interests and are not adverse to one another. The labels plaintiff and defendant do not properly describe or fit such parties. The term Petitioner which is less suggestive of adversity is used instead to describe the filing party. In actions for dissolution of marriage, the initiator of the action is the Petitioner.

Respondent	<p>The respondent is the person who defends against either a non adversarial action or an equitable action (where the initiator is called the Petitioner) or is the party defending against an appeal.</p> <p>In an action for dissolution of marriage, the party who initiated the action is Kofi, the husband and is known as the Petitioner. The action is for dissolution of his marriage to Mansa hence Mansa is the Respondent i.e. the defending party.</p>
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ABBREVIATIONS AND SHORT PHRASES

<p>a.k.a.</p> <p><i>Explanation</i></p> <p><i>Example</i></p>	<p>Also known as.</p> <p>It is sometimes common to find some people with more than one name. This may be intentional so as to hide the real identity or because of a change in names due, say to marital status.</p> <p>Angelina Tawiah upon her marriage changes her name to Angelina Aware. Some of her legal documents might show her name as “Angelina Tawiah a.k.a. Angelina Aware”.</p>
<p>D.b.a.</p>	<p>Doing Business As.</p> <p>Many business entities in Ghana are registered business names or enterprises. While they are not legally separate from their owners like companies, they operate under different names. D.b.a. is pronounced as three individual letters and not as one word.</p> <p><i>Example:</i> Kwaku Atta owns and operates a multipurpose store called Mankessim Supermarket. Amina who ate expired canned fish purchased from the store was taken sick and diagnosed with food poisoning arising from the canned fish. She sues the offending shop owner as “Kwaku Atta d.b.a. Mankessim Supermarket”.</p>
<p>Et al</p>	<p>And another.</p> <p>The abbreviation stands for et alius – meaning “and another”. The plural is et alii – meaning “and others”. The short form of the plural version is “et als”, meaning three or more people.</p>
<p>Etc</p>	<p>Etc – Et Cetera</p> <p>And similar type things.</p> <p><i>Example:</i> The office contained the usual assortment of chairs, tables, books etc.</p>
<p>In Re</p>	<p>In the matter of.</p> <p>In a lawsuit in which there is no adverse party such as Probate or Adoption, where one person is named in the court documents, the caption bears the title; In re (Name of Applicant).</p>

V or Vs or Vrs.	Versus. It is usually used to designate the opposing party. E.g. Kofi Mintah Vrs. Ama Mensah.
Per Diem	Per day; by the day. Usually used in finance as for example "the secretary was entitled to GH¢10 per diem out of station allowance when undertaking the relieving assignments.
Per Se	By itself. The fact itself, without any further or other explanation is enough. The fact that an accident has occurred shows negligence per se.
Prima facie	On its face or at first sight. Just by looking at the item in question, something is obvious and does not require anything outside it to make a conclusion. Per se is an absolute certainty, while prima facie only creates a presumption that the item is sufficient, which presumption can be rebutted.
Pro Forma	As a matter of form.
Pro Rata	In Proportion or 'according to the rate' – It means the division shall be proportionate. In other words, each person shall share according to the ratio that his or her share bears to the total.
Certiorari	Certiorari is an order issued by a Superior Court quashing a decision or order of a lower court or tribunal whose decision or order was made without jurisdiction either because the court exceeded its jurisdiction or lacked jurisdiction in the matter.
Amicus Curiae	A friend of the court. During the trial of cases and especially when

	<p>dealing with a novel issue, the court may ask the opinion of counsel who are not involved with the case in issue to proffer an opinion as a friend of court. Also in certain jurisdiction in important cases, people who are not parties to the litigation may want to file research notes or briefs to aid the court, hoping to persuade the court to adopt their views. These people are called amicus curiae, and they seek the permission of the court to file their briefs for consideration.</p>
Dictum	<p>This is a statement that forms part of the judgment of a court, in particular a court whose decisions have value as precedent under the doctrine of stare decisis. It is an authoritative formal pronouncement.</p>
Obiter dictum (dicta (pl))	<p>An opinion voiced by a Judge that has only incidental bearing on the case in question and therefore not binding. It is also refers to an incidental remark or observation; a passing comment.</p>
Precept	<p>A writ or warrant issued by an authorized person demanding another's action, such as a Judge's order to an officer to bring a party before the court; a standard or rule of conduct; a command or principle.</p>