Statute Review: Innovations In The New Kogi State High Court (Civil Procedure) Rules, 2025

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Abstract

This statute review examines the Kogi State High Court (Civil Procedure) Rules 2025, which replaced the state's Civil Procedure Rules of 2006 after nineteen years without reform, drawing on the full text of both instruments. It tests the review committee's own account of six innovations, electronic filing, virtual proceedings, the abolition of the pre-trial conference, reformed probate procedure, a revised fee schedule, and an expanded role for Alternative Dispute Resolution, against what the 2025 Rules actually provide. It finds that the account holds up well for electronic filing, probate reform, and fees, and considerably undersells the new Alternative Dispute Resolution machinery built around the Kogi State Multi-Door Courthouse. It finds the account incomplete on the pre-trial conference, since the 2006 Rules' dedicated Pre-Trial Conference Order has indeed been removed, but so, more significantly and without public mention, has the dedicated Order on Discovery and Inspection of Document. This review argues that much of the old pre-trial conference's practical function appears to have migrated into the new Alternative Dispute Resolution structure, while the disappearance of formal discovery is a genuine gap the committee's own account did not acknowledge, and recommends that any future amendment or practice direction address it directly.

Keywords: Alternative Dispute Resolution, Civil Procedure, E-Filing, Judicial Reform, Kogi State

1. Introduction

Nineteen years is a long time for a set of procedural rules to stand untouched, and by 2025 the Kogi State High Court (Civil Procedure) Rules 2006 had begun to show it. The 2006 Rules, made under Chief Judge Umaru Eri,[1] governed civil litigation in the state through a

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period in which courts elsewhere in Nigeria turned electronic filing, virtual hearings, and structured alternative dispute resolution from novelties into ordinary features of practice. Kogi's own High Court, working from a fee schedule frozen at 2006 values and a procedural code silent on remote filing or hearing, was visibly behind that curve.

In April 2025, Chief Judge Josiah Majebi inaugurated a committee, chaired by Justice Abdul Awulu, to review the 2006 Rules.[2] By the following legal year the Kogi State High Court (Civil Procedure) Rules 2025 had come into force, expanding the old Rules from fifty five Orders to sixty two.[3] This review draws on the full text of both instruments to test the review committee's own account of six reported innovations, electronic filing, virtual proceedings, the abolition of the pre-trial conference, reformed probate procedure, a revised fee schedule, and an expanded role for alternative dispute resolution,[4] against what the 2025 Rules actually provide. Some of that account holds up closely. Some of it does not, in ways the committee's own list did not mention.

2. The 2006 Rules and The Case For Reform

2.1 The Old Position on Case Management

The 2006 Rules ran to fifty five Orders, from citation and interpretation through to miscellaneous provisions,[5] and already contained the seeds of modern case management. Order 32 introduced a Pre-Trial Conference and required parties to complete a Pre-Trial Information Sheet before the first conference date.[6] Question nine on that form asked whether the case was one in which the court could help the parties resolve their dispute without a trial, and question ten asked directly whether the parties had considered some form of

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Kogi State High Court (Civil Procedure) Rules 2006, made 23 October 2006.

[2]J Akinfehinwa,'Kogi Chief Judge Inaugurates Committee to Review High Court Rules'*Daily Post Nigeria* (17 April 2025) <https://dailypost.ng/2025/04/17/kogi-chief-judge-inaugurates-committee-to-review-high-court-rules/> accessed 22 July 2026.

[3]Kogi State High Court (Civil Procedure) Rules 2025.

[4]F Lashem, 'Kogi High Court to Unveil New Civil Procedure Rules, Begins Appeal Session'*Newsdiaryonline* (19 June 2025) <https://newsdiaryonline.com/kogi-high-court-to-unveil-new-civil-procedure-rules-begins-appeal-session/> accessed 22 July 2026.

[5]Kogi State High Court (Civil Procedure) Rules 2006 (n 1).

[6]ibid, Order 32.

Alternative Dispute Resolution.[7] That is worth pausing on. Kogi's courts were already inviting litigants to consider ADR in 2006, nearly two decades before the 2025 Rules are reported to have introduced it as an innovation. What the old Rules lacked was any obligation attached to the question. A party could answer no and carry on.

2.2 Why Review Became Necessary

Two decades on, the gaps were less about ambition than about infrastructure. The 2006 Rules made no provision at all for filing a process electronically or appearing in a proceeding remotely, a silence that mattered more with each year that other Nigerian courts built exactly those systems into ordinary practice.[8] Fees fixed in 2006 Naira had also been overtaken by inflation to the point of irrelevance.[9] Chief Judge Majebi's charge to the review committee reportedly asked its members to bring the realities of Nigeria's prevailing economic conditions to bear on their work,[10]a language that reads, on a fair view, as a direct instruction to fix the fee schedule.

3. Key Innovations under the 2025 Rules

3.1 Electronic Filing

Order 3 of the 2025 Rules, an entirely new Order with no equivalent in 2006, is titled Electronic Filing and Virtual Proceedings and devotes eleven separate rules to electronic filing alone, covering the e-filing unit, compliance, document management, and the method of signing and filing a document electronically.[11] Order 8 was also extended to allow service of advance copies and hearing notices by e-mail.[12] Together these give the e-filing system already visible on the judiciary's own website an actual procedural foundation rather than leaving it to administrative practice alone.[13]

3.2 Virtual and Remote Proceedings

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[7]ibid, Form 24 (Order 32, rule 2(2)).

[8] Compos Mentis Legal Practitioners, 'Notable Innovations in the Recent High Court of the Federal Capital Territory (Civil Procedure) Rules, 2025' (Mondaq, 12 March 2025) <https://www.mondaq.com/nigeria/civil-law/1596240/notable-innovations-in-the-recent-high-court-of-the-federal-capital-territory-civil-procedure-rules-2025> accessed 22 July 2026.

[9] Kogi State High Court (Civil Procedure) Rules 2006 (n 1), Form 56.

[10] Akinfehinwa (n 2).

[11] Kogi State High Court (Civil Procedure) Rules 2025 (n 3), Order 3, Part I.

[12] ibid, Order 8, rules 16 and 17.

The same Order 3 addresses virtual proceedings in two further rules, one allowing a party to apply for a matter to be heard virtually and one leaving the actual mechanics to a Practice Direction issued separately.[14] That drafting choice matches the Federal Capital Territory's own 2025 Rules, where the detail of remote hearings was likewise pushed into a Practice Direction rather than fixed in the Rules themselves.[15] Kogi's practitioners will need to watch for that Practice Direction as closely as the Rules.

3.3 Case Management: What Happened to the Pre-Trial Conference

The review committee's own account of an abolished pre-trial conference is only half right.[16] Order 32 of the 2006 Rules, which set out a dedicated Pre-Trial Conference procedure complete with the Pre-Trial Information Sheet discussed at 2.1 above, has indeed disappeared from the 2025 Rules as a standalone Order. So has the old Order 33 on Special Case, now reduced to a single rule folded into the arbitration provisions, and so, more strikingly, has the old Order 34 on Discovery and Inspection of Document.[17] The phrase pre-trial conference itself survives, referenced as a point on the cause list and as a trigger for striking out pleadings,[18] but it no longer has a dedicated procedure of its own. The disappearance of a dedicated discovery order is, if anything, the more significant change of the two, and one the committee's own list did not mention at all.

.4 Reforms to Probate and Administration

Probate absorbed a single, unwieldy Order in 2006, Order 51, running past a hundred rules covering everything from an application for probate to the interpretation of a disputed Will.[19] The 2025 Rules break that Order into at least seven separate Orders, covering the general grant of probate or administration, custody of a Will, grants with a

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[13] Kogi State Judiciary, 'Case Filing'<https://jsc.kogistate.gov.ng/High_court/case-filling/> accessed 22 July 2026.

[14]Kogi State High Court (Civil Procedure) Rules 2025 (n 3), Order 3, Part II.

[15]Compos Mentis Legal Practitioners (n 8).

[16]Lashem (n 4).

[17]Kogi State High Court (Civil Procedure) Rules 2025 (n 3). No provision equivalent to Order 34 of the 2006 Rules could be located on a review of the full text.

[18]ibid, Orders 28 and 36.

[19]Kogi State High Court (Civil Procedure) Rules 2006 (n 1), Order 51.

Will attached, grants without a Will, administration of property, administration generally, and non-contentious probate procedure.[20] Whatever changed in substance, the reorganisation alone should make the probate registry's procedure considerably easier to follow than the old, undivided Order 51 ever allowed.

3.5 Review of Court Fees

The fee schedule, elevated to its own dedicated Order rather than an attached form as in 2006,[21] moves most figures from the hundreds of Naira into the thousands. An originating summons now carries a filing fee of five thousand Naira, against a maximum fee of fifty thousand Naira for recovery of a specified sum, figures with little relationship to the amounts fixed in 2006.

3.6 Expanded Role for Alternative Dispute Resolution

What the committee called an expanded role for ADR turns out, on the actual text, to be the most developed of the six changes by some distance. Order 22 combines settlement out of court, Alternative Dispute Resolution, and Arbitration in a single Order, and builds machinery to match.[22] Judges are placed under an express duty to encourage ADR, cases can be referred by consent or by directive to the Kogi State Multi-Door Courthouse for resolution within fourteen or twenty one days, designated ADR Judges are given jurisdiction over such sessions, and a Sifter Committee is tasked with identifying which cases are suitable for the process in the first place.[23] This is a considerably more structured system than the single optional question the 2006 Rules put to parties on a pre-trial form, and it may well be where much of the old pre-trial conference's practical function has gone.

4. Conclusion

4.1 Prospects

Set against the Federal Capital Territory's own 2025 Rules, adopted a few months before Kogi's, the general direction looks sound, and in places Kogi's drafting goes further than the committee's own list let

[20]Kogi State High Court (Civil Procedure) Rules 2025 (n 3), Orders 50 to 56.

[21]ibid, Order 62.

[22]ibid, Order 22.

[23]ibid.

on. A wholly new Fast Track Proceedings Order, absent from the committee's six headline items entirely, gives Fast Track Judges jurisdiction over qualifying monetary claims outside the ordinary cause list.[24] Giving Alternative Dispute Resolution its own structured referral system, complete with a screening committee and fixed timelines, is a more developed mechanism than a simple invitation to consider settlement, and probably does more for the eventual caseload than the loss of the old Pre-Trial Conference Order costs it.

Two questions remain open on the text alone. Whether the connectivity and power supply behind electronic filing and virtual proceedings actually reach all of Kogi's judicial divisions,[25] rather than concentrating around Lokoja, is not something any Rule can answer, and is worth independent verification before the reform is judged a success on the ground. More pressing on the drafting itself, the removal of a dedicated Discovery and Inspection of Document order deserves more attention than the committee's own list gave it. If document discovery genuinely has no procedural home in the new Rules, that is a gap a future amendment or practice direction should close, since nothing in the Alternative Dispute Resolution machinery obviously replaces it. What can be said with confidence, having read both instruments in full, is that Kogi's High Court has done more than tidy up an old text. It has rebuilt significant parts of it, unevenly in places, but in a direction that mostly serves the people who will have to use it.

[24] ibid, Order 23.

[25] Kogi State High Court, 'About'<https://jsc.kogistate.gov.ng/High_court/about/> accessed 22 July 2026.