



## **Opening Statements**

My Lords, many of you must be wondering what I have to offer on the topic healthy living. Indeed, I have nothing useful to offer in regard to the topic except to share with you my bad example of unhealthy living as a Judicial Officer and testify that health once damaged cannot be medically repaired and put back to its original condition. The experience I will be sharing shortly may be representative of what a fairly good number of Judicial Officers go through in the course of their work.

I believe our two guest panellists this afternoon who are experts in their respective professions will give us some tips on healthy living in order to avoid what some of us have had to go through.

So, in a way, my presentation is a curtain raiser to their presentations which are the main events.

Since I am speaking as a Judicial Officer, I feel inclined to start by tracing the root of one of the major challenges we encounter in the performance of judicial functions that has a bearing on the topic under discussion.

## **The Origin of Judicial Office & the Challenge of Heavy Workload**

- Judicial office is sacred- it was instituted by God.
- God gave Moses Laws, Rules and Regulations and appointed him to sit as judge to hear and determine disputes.
- The first recorded court session presided over by Moses is recorded in Exodus 18:13-26 that says;

"The next day Moses took his seat to serve as judge for the people, and they stood around him from morning till evening. When his father-in-law saw all that Moses was doing for the people, he said, "What is this you are doing for the people? Why do you alone sit as judge, while all these people stand around you from morning till evening?" Moses answered him, "Because the people come to me to seek God's will. Whenever they have a dispute, it is brought to me, and I decide between the parties and inform them of God's decrees and instructions." Moses' father-in-law replied, "What you are doing is not good. You and these people who come to you will only wear yourselves out. The work is too heavy for you; you cannot handle it alone. Listen now to me and I will give you some advice, and may God be with you. You must be the people's representative before God and bring their disputes to him. Teach them his decrees and instructions, and show them the way they are to live and how they are to behave. But select capable men from all the people—men who fear God, trustworthy men who hate dishonest gain—and appoint them as officials over thousands, hundreds, fifties and tens. Have them serve as judges for the people at all times, but have them bring every difficult case to you; the simple cases they can decide themselves. That will make your load lighter, because they will share it with you. If you do this and God so commands, you will be able to stand the strain, and all these people will go home satisfied." Moses listened to his father-in-law and did everything he said. He chose capable men from all Israel and made them leaders of the people, officials over thousands, hundreds, fifties and tens. They served as judges for the people at all times. The difficult cases they brought to Moses, but the simple ones they decided themselves."

**Key highlights from that passage are:**

- Justice Moses faced the challenge of heavy workload from the onset as he single-handedly heard and determined all the disputes among his people.
- He sat from morning till evening as the litigants stood around him, each waiting for their case to be heard.
- Both him and the litigants were worn out.

- His father in law Jethro who was a priest of Midian, advised him to appoint officials who would serve as judges.
- Following that advice, Moses appointed capable, God fearing and trustworthy men who hate dishonest gains at the recommended levels of tens, fifties, hundreds and thousands which I would equate to our Supreme Court, Court of Appeal, High Court and lower bench (Magistrates' Court) respectively.
- He trained them as judges and deployed them to handle cases.
- Justice Moses only handled difficult cases that were referred to him.

### **Lessons from the First Judge**

- From these highlights it is clear that the problem of heavy workload against unmatched number of Judicial Officers is as old as the Judicial system.
- It all started with Moses as the first Judge and has continued to dog many judicial systems world over
- Similarly, the prolonged time of court sitting has continued from the time of Moses
- Even difficult cases are not rare in our time.

### **I only wish the Hon. The CJ, the Hon. The DCJ and the Hon. PJ could direct us to leave those difficult cases for them like Moses did.**

- Needless to emphasise that difficult cases can bring a lot of mental stress and may cost a judicial officer sleepless nights as he/she mentally processes them in a bid to solve the jigsaw puzzle.
- It is not rare for a Judicial Officer to tiptoe to home study study or even to the bathroom in the middle of the night to scribble down any clue to the puzzle that pops up in fear that it may be lost by morning.
- I recall doing this several times as a trial judge.
- The temptation to sit for long hours is also very high especially where you are doing a time-bound criminal court session.

### **Personal Story**

Allow me, at this juncture, to share my person story in regard to long court sitting. It is my worst experience as a trial judge. In fact, let me be blunt and say it was the most stupid, costly and regrettable thing I ever did as a trial judge during a criminal court session.

- I would have been very shy to share this experience here if it was not for purposes of showing how we can contribute to damaging our own health.
- I hope and pray that others can learn from it.
- It is worse than what Moses did and I believe that was the last straw that broke this camel's back in the literal sense.

Having adequately prepared your minds, let me now share it.

- I was doing my maiden criminal court session and about to complete the 40 days I was given.
- On this particular day, I was dealing with cases that had been adjourned to enable the DPP contact witnesses
- There were therefore many witnesses and I wanted to hear as many of them as I could.
- Court started at 10.30am because Prisons brought in the accused persons late.
- I got so engrossed in the hearing that I neither bothered to listen to my body nor checked the time.
- A state attorney sent me a polite note saying; “My Lord, it is coming to 7.00pm!”
- I had sat for over 8 hours without a health or lunch break!
- I looked out and realised that the sun had already set.
- When I adjourned the remaining cases and stood up, I felt needle like pricks on the lower part of my body and for a moment I could not move.
- I did the usual bowing before I could get out but this time I did it very slowly and carefully.
- I slowly walked out of court as I pondered what I had just done to my lower back.
- Since then back issues have been my major health challenge.
- Efforts to fix it medically did not fully address the problem.

That is my story in summary.

- ❖ It is also very common for a Judicial Officers to have long sittings during judgment writing.
- ❖ The temptation to write without a break is very high especially when you are so engrossed in it that you do not want to lose your line of thought and reasoning.
- ❖ You may not even realise that you have been sitting for long.

- ❖ I am also guilty on this count as charged. As a trial judge at the Commercial Court my best time for writing judgment was in the evenings.
- ❖ I would sit from 5.00pm and end between 7.30 pm-8.00pm.
- ❖ That would be after a whole day of court hearing.
- ❖ I believe this also contributed to my current health challenges.

My story may be on the extreme side but it may not be far what other judicial officers go through as they deal with the monster of an ever increasing case load some of which constitute backlog.

- Unlike codes of conduct for other professions, the Code of Judicial Conduct is very restrictive because it regulates both the judicial function as well as a Judicial Officer's private life outside court.
- Ideally this limits a Judicial Officer's movements and social interaction especially in recreation facilities. We all know the dos and do nots we were taken through during the induction.
- Many of us leave work quite late when exhausted and just prefer to go home for a cup of tea.
- I am aware that some of us have ways of balancing the boat and are quite fit. I will be glad to learn from them during the plenary.

### **Commendation**

- ✓ We appreciate the fact that proceedings are now recorded so handwriting in court is minimised.
- ✓ Experience has shown that online proceedings reduce the time of hearing thus lessening the time of sitting which is good for the back.
- ✓ We commend the planned digital migration which we believe will reduce the time of sitting since written submissions and other court documents will be digitally filed & served and hopefully limited time will be spent on preliminaries.
- ✓ We also appreciate our current PS Dr. Pius Bigirimana for introducing the Judiciary Health Run every Friday from 4.00pm. I implore those of us who have not yet come on board to join.
- ✓ We are equally thankful for the health insurance that was negotiated for all judicial officers and non-judicial officers.
- ✓ Finally, we thank the judiciary top management under the able leadership of the Hon. The CJ for the rapid progress in the construction of the appellate court buildings with fully-fledged gym facilities.

## **Recommendations**

As government is allocating more resources to the Judiciary let the health of Judicial Officers also be seriously addressed by investing more resources to enhance it.

I therefore recommend the following:

- ❖ That court buildings to be constructed should include gym facilities.
- ❖ Besides the health run and gym facilities which we hope to enjoy soon, our indomitable PS should initiate a judiciary sports day where all judicial officers gather in a designated field and engage in different sports and games like table and long tennis, basketball, volleyball and netball to mention just a few as well as indoor games like scrabbles, darts etc
- ❖ In the long term the judiciary should plan to have a judicial club with all the amenities that can help reduce stress. I am advised that in the past there was a senior civil servants' club known as the Uganda Club which is now non-functional.
- ❖ Recruit and deploy capable Research Assistants who can facilitate the work of Judicial Officers.
- ❖ For purposes of facilitating a judicial officer to have proper rest without any temptation to write judgments, there should be full or partial funding of holiday abroad for every Judicial Officer on the upper bench with spouse at least for 7 days once in every 3 years. This can be done in a phased manner. I am advised that this is done in Tanzania.
- ❖ I invite the plenary to add to this list.

## **Conclusion**

I wish to conclude by thanking the organisers of this conference for inviting me to be part of this panel.

I thank you all for listening to me.

God bless you.