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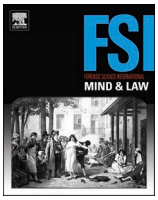

An exploration of litigants' interactions with court actors in Ghanaian courts

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ABSTRACT

Studies have sought to understand the experiences of litigants who use the court system. However, very few have looked at their specific interactions with court actors in Sub-Saharan African countries. In this study, we sought to explore the interactions that litigants have with lawyers, judges, and court workers during the process of civil litigation in Ghana. The study used a qualitative phenomenological design and a criterion sampling technique to select seventeen litigants involved in civil litigation in a Ghanaian court. Using thematic analysis, we found that litigants had confidence in the judicial system. In terms of lawyers and court actors, the participants were ambivalent about their interactions with them. Whereas some had been supportive, others drained their resources and were not altogether altruistic. We discuss these findings and make recommendations for improving litigant experiences.

1. Introduction

The adversarial system of justice is stressful for litigants. There are therefore calls to make the process more therapeutic for litigants. The causes of stress arise from litigant interactions with lawyers, judges, and other court officials. Their experiences of the court process are thus shaped by the people they interact with and how they are treated (Lind & Tyler, 1988; Tyler & Lind, 1992). For example, the extent to which officials in the justice system are perceived to be sympathetic to the cause of litigants goes a long way to enhancing their experience. To this end, there have been calls for the inclusion of more human-centered tutelage for law students and legal practitioners (Heavin & Keet, 2020).

Although a lot of studies have explored the interactions between the police and citizens, not much has been studied about litigants' interactions with court actors in sub-Saharan countries (Pryce & Wilson, 2020; Tankebe, 2019). Moreover, in most African countries, the courts have been associated with drudgery (Centre for Democratic Development, 2020; Parimah et al., 2020, 2021). It is therefore important to investigate how litigants interact with court actors to identify the areas of stress for litigants to ensure a good engagement between litigants and court actors. To this end, the current study, explored the experiences of people litigating in the civil litigation process in Ghana and their interactions with court actors. In this paper, *court actors* is used to refer to judges, lawyers, and court officers such as clerks, and registrars.

2. Theory

2.1. The theory of procedural justice

The study relies on principles of interactional and informational justice. Interactional justice posits that the nature of interaction and communication people receive from those in authority, enhances their perceptions of fairness in the process (Elbers et al., 2012). Informational justice looks at the way information is shared between court actors and persons going through the legal process (Laxminarayan, 2013). Part of the stress of victims and litigants is the lack of information about the process. Thus, a pleasant interaction and a good supply of information would help to reduce their experience of secondary victimisation. In the same vein, in this study, we contend that the way lawyers, court clerks and other court actors interact with litigants and provide them with

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required information, would enhance or otherwise deflate their experiences of the court process.

2.2. Interactions with lawyers and court actors

Lawyers have been found to influence the court experience for their clients. To the extent that a lawyer can communicate effectively, exude confidence, and show expertise, clients have more reliance and confidence in them (Elbers et al., 2012). When lawyers do not communicate humanely with their clients or show empathy, it goes to increase their stress of going to court (Aurbach, 2013a, 2013b; Heavin & Keet, 2020). Thus, to the extent that lawyers interact fairly and consistently with their clients, the clients have a good experience of the court process.

Lawyer communication is thus key to client satisfaction (Elbers et al., 2012; Heavin & Keet, 2020; Robbennolt & Sternlight, 2013), however, as Gutheil et al. (2000) has suggested, several attorneys fail to alert their clients to the emotional outcomes of the process of litigation itself. They often fail to do so for fear that the emotional cost associated with the process of litigation could constitute a deterrence to bringing a suit. Additionally, there is a lack of trust for lawyers. In some contexts, there is a perception that they connive with other parties to prolong the cases of their clients for financial gain (Shestowsky, 2020).

To this end, the rules of conduct for lawyers in Ghana enjoin lawyers to be assiduous in prosecuting their clients' cases, to take proper care of money paid to them by their clients, and to constantly act in good faith (Rules 5-13 of the Legal Profession (Professional Conduct and Etiquette) Rules, 2020 L.I. 2423)[1].

2.3. Ghana's legal system, and judicial effectiveness

Ghana is a unitary state with a constitutional democracy with its capital city being Accra. Ghana practices an adversarial system of adjudication like what pertains to other Commonwealth countries and former British colonies. In this system, the court decides based on the evidence presented by the lawyers of each opposing party. The judge in this court is expected to be a neutral arbiter. This means that the court is neither expected to investigate nor support one party in the suit (Yoon, 2010). Impliedly, for a judge to be effective in this system, he is required to be impartial, upholding standards of integrity.

The country operates a 2-tier court structure. The courts are divided into the Superior courts comprising the High Court, Court of Appeal, and Supreme Court, and the Lower courts (Circuit and District courts). The focus of this study was on litigants pursuing cases in the High Court. This court has various divisions including the commercial, land, financial, labour, industrial, general jurisdiction, and human rights divisions (Judicial Service of Ghana, 2017). In Accra, most of the High Courts are housed in the Law Court Complex edifice which is in the Central District of Accra (Judicial Service of Ghana, 2017). The complex was the setting of the study. Accra is in the southern part of Ghana close to the Gulf of Guinea. As a cosmopolitan area, and the capital city of Ghana, is host to the head offices of most of the major governmental institutions including the judiciary.

There are however some factors that make it challenging for judges and other court actors in this system to function effectively and offer the required interaction that litigants desire. For judges, it has been found that difficulty in offering a balanced view, managing people, and large caseloads are some factors that affect their decisions (Castellano, 2017; Choi et al., 2011; Dawuni, 2016). Such huge caseloads have been reported in Ghanaian courts for land litigation (Crook, 2004) and other commercial, labour and industrial actions (Atuguba & Hammergren, 2020) The delays, occasioned by the caseloads and other factors, make the litigation process stressful for litigants (see Parimah et al., 2020; Parimah et al., 2021).

There are several challenges encountered in the effective delivery of justice in Ghana: challenges with proximity (how close/accessible the courts are to litigants), affordability (the extent to which litigants can afford the cost associated with litigation), responsiveness, and comprehensibility (the knowledge of litigants about court processes) (Africa Union, 2019). Furthermore, litigants in Ghana find it difficult to access the services of lawyers (Brakopowers, 2018). Unfortunately, the Legal Aid Commission which is tasked to offer free legal services to Ghanaians operates only in the major cities (Donkor, 2019). Besides, the challenges litigants might face in getting a lawyer, as well as their experiences with these lawyers are not known in the literature. To throw more light on Parimah et al. (2020, 2021), we sought to explore the experiences of people litigating as individuals as to how they interact with lawyers, judges, and other court actors in Ghana.

Parimah et al. (2021) found that people litigating as individuals encountered challenges such as delay on court days, frequent adjournment of cases, deliberate dragging of cases, opportunity cost, and financial strain. It is thus obvious that the court system has a problem. It is however unknown how the litigants experience interactions with persons who act within this system. Consequently, we argue that people litigating as individuals who have been in contact with the judicial system in Ghana for a period will be in a better position to assess their interactions with the various actors in this system. We asked the question "what are the experiences of litigants as they interact with court actors in the process of litigation in Ghana?"

3. Materials and methods

3.1. Research design

The study is part of a larger study that used a mixed-method sequential explanatory design to explore the experiences of litigants in courts. This approach involves two phases: the quantitative phase, which comes first in the sequence, followed by the qualitative phase (Creswell et al., 2003). As suggested by Ivankova et al. (2006), in the first phase of the study, we collected and analysed the quantitative data (using a cross-sectional survey, with 262 litigants: comprising both people litigating on behalf of their companies, and those litigating as individuals (Parimah et al., 2020). In the second phase - the qualitative phase, we explored participants' views with the aim of understanding and buttressing the results obtained in the quantitative phase. In the quantitative phase of the study (see Parimah et al., 2020), we examined the effect of type of litigant (i.e., company representative as opposed to individual litigant) on stress, and coping. We observed a significant effect of type of litigant on stress, as well as coping. In the study, those litigating as individuals experienced more stress compared to those litigating on behalf of their companies. However, this phase only gave a general idea about the stress symptoms recorded among litigants. The qualitative phase (see Parimah et al., 2021) explained and expanded upon the results of the quantitative phase by throwing light on the experiences of those litigating as individuals (who happen to record more stress symptoms). Thus, the study explored the stressors people litigating as individuals encounter in Ghana, and how such individuals cope in the process of litigating. However, this study (i.e., Parimah et al., 2021) did not cover the experiences of litigants with regards to their interactions with court actors in the process of litigation. The current study sought to throw more light on Parimah et al. (2021) by exploring the interactions of people litigating as individuals with court actors in Ghana.

3.2. Participant selection process

Purposive sampling method was used to select participants for this part of the study. Participants who obtained a score of >19 (deemed to experience high symptoms of stress) on the Impact of Event Scale (IES; Horowitz et al., 1979), and were litigating as individuals were approached for this study. This group of litigants was either involved in human rights, immovable property, labour, or breach of contract cases. Litigants within this category were contacted. Those who were available

and willing to participate in the study were recruited accordingly. Thus, using the criterion sampling technique, 17 litigants (plaintiffs = 13, defendants = 4) were sampled for the study. Most of them were male (13), older adults ($Mean_{age}$ = 50.13, SD_{age} = 12.55), and were mostly involved in cases involving immovable property. Table 1 provides a detailed description of the participants.

3.3. Data collection procedure

An Institutional Review Board of a University in Ghana gave ethical approval for the study to be conducted (protocol number: ECH 048/17–18). Institutional approval was also obtained from the Judicial Service of Ghana to access the litigants who use the court complex. Participants were part of a larger study that sought to investigate stress among litigants in Ghana. As stated in Parimah et al. (2021) we contacted participants at the court complex. To obtain consent and voluntary participation, the aims of the study were explained to their understanding. Thereafter, written consent was obtained from the participants. Also, they were made aware of their right to opt out of the study at any time without penalty. Through pseudonyms, participants were assured of the anonymity and confidentiality of their responses. We made provision for psychological support for litigants who might need it, although such services were not utilized by participants in the study. We conducted interviews at the convenience of participants either outside or within the court premises. Whereas thirteen interviews were conducted inside the court complex, the rest (four) were conducted outside the court complex. Interviews that were conducted within the court complex took place very early in the morning immediately after the premises was opened (to ensure that only a few individuals were around in a room provided for litigants). In this large room for litigants, interviews were conducted at a distance whenever there were other litigants. Regarding interviews that were conducted outside the court premises, only the participant and interviewer were present during the interview. Only one interview session per participant was conducted, with two participants dropping out due to the issue of convenience. For these two participants, we could not settle on a time convenient for them and the interviewers. Each interview was completed on the same day. Although not the norm in phenomenological studies, interviews lasted for an average of 22 min as has been recorded in other phenomenological studies (Mole et al., 2019). Interviews were audio taped and transcribed verbatim. Besides, interviewers kept field notes for the purposes of reflection and avoidance of potential bias. Before the interviews, no relationship had been established between the participants and the interviewers. Nevertheless, the researchers built rapport with the participants make them comfortable to speak. Further, participants did not know the interviewers, except for the aims of the study that the researchers discussed with them. We made participants aware that we had no personal gains in the research, and that we were conducting the study to advance knowledge and practice. Due to the challenges, we encountered in obtaining litigants for the study, it took us a year to conduct all the interviews. For example, some of the litigants lived outside Accra, making it difficult to schedule a meeting convenient for both the interviewer and the participant. Some of the litigants opted not to participate in the study due to their anxiety about their impending cases. Apart from the first author, the rest of the authors conducted the interviews. These interviewers have undergraduate and graduate training in psychology and have experience in gathering qualitative data. Pseudonyms were used in discussing the views of the participants.

Table 1
Demographic characteristics of participants (N = 17).

Variable		Frequency
Sex:	Female	4
	Male	13
Average age = 50.13 (SD = 55)		
Average length of time in months		26.7
Party:	Defendant	4
	Plaintiff	13
Case:	Immovable property	9
	Labour	3
	Breach of contract	3
	Human rights	2

3.4. Interview guide

In gathering the data, an interview guide was used. The guide elicited the demographic characteristics of participants, and the experiences of litigants in the process of litigation, including their experiences with court actors such as lawyers, judges, and court workers/officers. Items on the guide included: "can you kindly give me a brief background to your case?; "; "What has been your experience throughout the court proceedings so far, when you were trying to get a lawyer to represent you?"; "what has been your experience throughout the court proceedings so far, with respect to the attitudes of the court officers, like the clerks, the registrar and the judge?" "what are some of the challenges that you have encountered so far in terms of …. money involved, getting a lawyer, attitude of court officers (e.g., clerks, and registrars)?"

3.5. Data analysis

The data was analysed following Braun and Clarke's (2006) steps for thematic analysis. Initially, the research team familiarized with the data by reading and re-reading the transcripts. Thereafter, the data was coded, being guided by the aims or research questions of the study. The codes were then clustered according to their similarities and names assigned to them. These clusters were designated as themes. In the process, some of the themes were submerged into others and further categorized into themes and subthemes. The themes and sub-themes derived from this process are explained with extracts from participants.

3.5.1. Rigor

We ensured rigor by adhering to Lincoln and Guba's (1985) guide for making a study trustworthy: credibility, confirmability, dependability, and transferability. In ensuring credibility, we made sure that the right participants who were in the right position to volunteer the right information were sampled for the study. Since the study sought to explore the experiences of people litigating as individuals, litigants who fell within this category were sampled for the study. Also, the right procedure required for conducting interviews was followed. Those who conducted the interviews had a psychology background and some experience in conducting interviews. The interviewers had no prior relationship with the participants. We sought clarity from participants where possible to ensure that the data gathered were true reflections of what participants sought to convey. To ensure confirmability and to deal with any form of bias from the second author, the first and third authors also followed Braun and Clarkes' (2006) steps in thematic analysis. The themes generated by these authors were compared and a consensus was arrived at, regarding the themes that best represented the views of participants. To further ensure dependability, we asked an independent researcher, who was not part of the study, to audit the process of analysis. Having ensured that the study is credible, it makes the transferability of the findings of the study possible, given similar characteristics as the participants of the study in similar or other contexts.

4. Results

We extracted four major themes with subthemes from the data: *confidence in judicial system* (subthemes: confidence in the court, fairness in the court, confidence in judges), *ambivalent views on court workers*, and *lawyer-client relationship* (subthemes: ways of obtaining a lawyer, lawyers as advisors, lawyers as financial sponsors, lawyers charging high

legal fees, suspicion of foul play from lawyers). Table 2 provides a list of themes and sub-themes.

4.1. Confidence in judicial system

Participants expressed their confidence in Ghana's judicial system. Their confidence was in the fairness of the court process as well as the fairness of the judges they encountered.

Confidence in the court. Some of the participants ($n = 5$) expressed their confidence in the court. A participant narrated how he had confidence in the courts even before his court case. According to him:

> *I had been hearing about court cases, but I had not experienced one. But I knew it was a place you go to for justice in whatever case or matter you had. So, I decided to also test it for myself. And to be frank [honestly], when I started the process, I realized that it was so [a place for justice]. I was comfortable with what went on* (Bright, male, plaintiff, labour, 33 years)

According to this plaintiff, he resorted to the court to seek for justice knowing that he would obtain one. For another participant, he went to court to seek justice. According to him, *'I just narrated the story to a lawyer, and he asked me what I wanted to do, and I said, I wanted to send it to court…and, that, I wanted justice'*. (Kojo, male, plaintiff, fraud, and immovable property, 46 years). For most of the participants, their main aim in going to court was to seek for justice. They believed that the court was the right place to seek the final resolution of their issues.

Fairness in the court. Apart from the confidence participants expressed in the court, they also considered the court to be fair ($n = 5$). Some of the participants had tried other means to obtain justice but believed that they had been treated unfairly. To them, the court could give them a fair trial. According to a participant, *"I tried by exhausting all the university proceedings to help me resolve that issue but two years down the line I couldn't get any result, so I had to bring it to court"* (Yaw, male, plaintiff, human rights, 28 years). This was a student who claimed he had been falsely accused of his involvement in a case at a tertiary educational institution. After exhausting the due disciplinary processes in the school, he thought he had not received a fair hearing, hence his decision to take the matter to court where he hoped to receive a fair hearing. In his view, the courts would offer him a fairer hearing than he had obtained in the institution.

Confidence in judges. Participants ($n = 5$) expressed their confidence in the judges to deliver justice despite their initial reservations. A documentary that had exposed corruption in the judiciary and among court actors had rocked the country and heightened perceptions of judicial corruption. When the participants encountered the judges, their views changed:

> *I had not had any encounter with the court prior to this [his current court case]. You only hear people saying that they [judges] are corrupt. That was the perception all over and then the Anas expose confirmed some of them and others were exonerated. So, it means that the possibility of a judge being corrupt exists. So that perception is out there. Yes, that was what we carried but you see, once you begin to enjoy the process, you will see some of the things that are happening. With the current judge that we have, I do not impugn anything like that for her.* (Isaac, male, plaintiff, labour, 40 years)

The first hand experiences of the participants negated their earlier perceptions about the judges. Their cases were still ongoing, and they held the belief that the judges would do the right thing. Negative perceptions often change as people encounter the persons concerned. That was the experience of the participants. According to Kwame,

> *… I have not been in court before and cannot say anything about judges. They judge, they know the right things to do. I only pray that they do the right thing for me, or justice must be done by the judge* (Kwame, male, Plaintiff, breach of contract, 55 years)

In Kwame's case, although, it was the first time of coming before the court, he still believed that the judges would deliver justice. He saw it as their duty and was hoping that justice would prevail at the end of the day. Thus, the participants had faith in the judges and the court as a means of obtaining justice.

4.2. Ambivalent views on court workers

Ten ($n = 10$) participants had mixed reactions concerning the court workers. Whereas some found them to be helpful, others believed that they were only helpful when they were given a tip. According to Yaw *"For me it [the interaction with the court workers] has been excellent. Because at times when you get close to them and you want to get information, they help"* (Yaw, male, plaintiff, human rights, 28)

Stanley reiterates it thus:

> *The other staff have also been nice, not all of them, but I think by and large most of them are nice according to my experience. When you need help and you go to them, they try and help you. One bad example cannot be used to tarnish the image of everybody. I have not had any really bad experience with them* (Stanley, male, plaintiff, breach of contract)

However, others were of the view that the court workers were helpful only when they were given a tip. *"Our problem is if you have money things will be fast. But if you do not have [money] the clerks and others can choose to delay you. It is all about money"* (Shirley, female, plaintiff, immovable property, 63). Although she does not deny the fact that they provide individuals with the services needed, she thought that they could sometimes intentionally delay litigants so they would be compelled to give them (clerks) money. In general, some participants found the court workers (clerks) helpful whiles others found them not to be fully altruistic.

4.3. Lawyer-client relationship

This theme speaks to how litigants encountered their lawyers and how they interacted with them.

Ways of obtaining a lawyer. The participants ($n = 8$) indicated the various ways by which theyThey obtained a lawyer. They got their lawyers through someone or through organizations they were affiliated with. Those who got their lawyers through their organization were those who had cases involving industrial action:

> *[When] the CEO of our company told us that we could take him to court, he thought that we could not marshal all that capital to pay for lawyers and other things to send him to court. But to his surprise, because of the backing of the union [our organization], we have been able to send him to court* (Nick, male, plaintiff, labour, 40)

Knowing the circumstances of the employees, the CEO of the agency through whom they secured the job thought it would be exceedingly difficult for them to get a lawyer, and as such was leveraging on it.

Table 2
Themes and subthemes.

Theme	Subtheme	Frequency
Confidence in judicial system	Confidence in the court	5
	Fairness in the court	5
	Confidence in judges	5
Ambivalent views on court workers		10
Lawyer-client relationship	Ways of obtaining a lawyer	8
	Lawyers as advisors	3
	Lawyers as financial sponsors	5
	Lawyers charging high legal fees	3
	Suspicion of foul play from lawyers	4

Moreover, he thought they could not afford *'the capital'* required to send the matter to court. Capital is used here in a business sense to show the huge amount of money required to go through litigation. It is in a sense like setting up a business. Lawyers' costs include retainer fees, money on the client's account for filing processes, and transportation allowances for each court appearance. The CEO of this agency dared his workers simply because of the economic cost involved in getting a lawyer. The remaining participants who used lawyers, obtained them through recommendations.

Unlike Nick who got a lawyer through their union, Sam got his through the referral of a friend: *"One of my colleagues had a friend who knew the lawyer, so it was more of a referral"* (Sam, male, plaintiff, labour, 31). Also, other participants had to go through a 3-step approach to acquire a lawyer: a friend who referred them to an agent who led them to a lawyer:

> *Before getting the lawyer, a colleague in the workplace told me that I must take the case on. And I asked the person, 'how will I do that, because as at now, I don't know anybody who is a lawyer.' And he gave me a certain agent …. he has the numbers of the lawyers. So, when you call him, he will meet you then he will listen to your case. If your case is valid, then he will take you to the lawyer, explain everything then hand you over to the lawyer. So that is what happened before I obtained the lawyer* (Grant, male, plaintiff, labour, 33)

The idea of having agents who link clients up with lawyers is an interesting finding in this research. This agent seems to serve as a relay point for the acquisition of legal assistance. Litigants walk into lawyers' offices directly or contact them based on referrals by friends. To have an agent whose sole aim is to link clients with lawyers is interesting. The additional duty of the agent being a preliminary assessor of the facts of the case makes it even more intriguing. It also suggests that the lawyers who deal with this so-called agent are only interested in cases that they deem they stand a chance of winning.

Although most of the participants got their lawyers through third parties, one of them seemed to know where to go for legal counsel. One of the participants revealed that it was not difficult for him to get a lawyer since he could walk into any lawyer's chambers to seek legal representation:

> *It's not difficult to get a lawyer, because so far as they have the chambers when you're ready and you want to take somebody on, you just go in and sit down with the lawyer, pay your processing fees and then you start your case* (Terry, male, plaintiff, land, 58)

Social networks, direct contact and the use of agents were the main ways by which the participants obtained lawyers for their respective cases.

Lawyers as advisors: The participants also revealed that their relationships with their lawyers were diverse—Whiles some supported them with advice and money, others felt that their lawyers were dishonest and charged them high legal fees. Some of the participants ($n = 3$) thought that their lawyers possessed the requisite knowledge about court processes and the chances of winning a case. Their lawyers provided the requisite advice upon consultation. According to one participant: *I wanted justice that is why I consulted my lawyer. I wanted to hear what he will tell me, and he said that if only I am ready.* (Bossman, male, plaintiff, fraud, and immovable property, 46). Here, the lawyer was in the right position to advise him on the right course of action to take if he needed justice. The lawyer did not impose his decision on the client after listening to him, and the client was ready to listen to whatever advise the lawyer had to give him. Lawyers advice clients during initial consultations after ascertaining the facts of their cases. Part of that process includes giving them a general overview of how the case may proceed in court and opening an account for the client to take care of initial expenses. During this initial consultation, some indicated that the lawyers provided them with a realistic view of the processes:

> *It has been difficult. It has been difficult. But one thing that keeps me going is how my lawyers … from the onset explained the court procedures to me. [They told me that] it does not take one day and [that] there is a saying that "justice delayed is not justice denied." So, I know that* (Grant, male, plaintiff, labour, 33).

According to this participant, what sustained him in the process was the inoculation received from his lawyer against the stress and the length of the process of litigation. This information helped him to cope better with the process.

Lawyers as financial sponsors. Participants ($n = 5$) indicated that although some lawyers charged huge fees, their lawyers did not charge them any legal fees. Sometimes the lawyers even paid for the cost involved in the process of litigation. Richard claimed his lawyer had been exceptionally good to him:

> *God has been so good! I am grateful for my lawyer because he did not charge me. I am from Kumasi and the transportation alone…one sitting alone costs not less than GH¢ 700 [$35] and he fuels his car and drives it to court from Kumasi without even charging me... I remember when the case started, I contacted one lawyer he told me he will charge a fee of GH¢ 30,000 [$5,000]* (Richard, male, plaintiff, human rights, 28)

Some of the lawyers even went beyond the call of duty to commit their own finances to prosecute the cases of their clients. Kumasi, the second largest city in Ghana, is over 250 km from Accra. And for the lawyer to fuel his car without asking the client to pay for it suggests a level of commitment that is rare. It is common for lawyers to demand money for transportation from their clients for each court appearance, but in his case, the lawyer was generous enough not to demand both legal fees and fuel allowance. Other participants' positive view of their lawyers was because of their laxity with fee collection:

> *the lawyer is a good lawyer. Sometimes, he does not take anything from us when we do not have money for him.* (Yakubu, male, plaintiff, immovable property, 62)

lawyers charging high legal fees. Although some participants indicated receiving financial help from their lawyers, others ($n = 3$) revealed that their lawyers charged exorbitant fees and made demands on them.

> *We left one lawyer because of money issues because he demanded a lot of money. He made many demands, and his charges were huge. Always when he comes you need to fuel his car and give him some money. At the beginning of the trial, there were fifty of us and so we used to have the means to pay him off but currently we are not working, so paying our lawyer is a problem. And we do not have a choice because we want the right thing to be done.* (Patience, female, defendant, immovable property, 63)

This participant was part of a group who were defendants in a case involving some shops they occupied. They had been brought to court by previous occupants of shops which according to her were rightly theirs. Due to the high legal fees, most of the women dropped out of the case. According to her, seeing the right thing being done was what kept her pursuing the case. To her, she felt they were being cheated by the lawyers, who although knew their predicament, still demanded high sums of money and other allowances.

Suspicion of foul play from lawyers. Other participants ($n = 4$) also suspected foul play from their lawyers. They believed that some adjournments and delays in the court process were due to the legal stunts of their lawyers. Ruth claimed that there were unnecessary series of objections from their lawyers including lengthy delays in filing documents thus leading to the delays. This behaviour of her lawyer made her suspicious:

> *Sometimes too these adjournments are not the fault of the court but rather the lawyers. I do not know whether sometimes they secretly do some stage performances behind the scenes. They complicate a lot of things for instance, unnecessary series of objections and long delays in filing of*

documents among other things (Ruth, female, defendant, immovable property, 63)

In the same vein, Patience suggested that the lawyers often deliberately decided not to honour the invitation of the court. She claimed the lawyers had their own tactics aimed at delaying the court process. Their lawyer sometimes would not show up at the court and efforts to try to reach him sometimes proved futile. According to her, this made her anxious:

Some of the lawyers too pretend and decide not to come to court. They have their own tactics of delaying court proceeding. In some situation they would not come to court at all, and you will be anxious throughout trying to call him just to find out from him whether he will come or not (Patience, female, plaintiff, immovable property, 63)

5. Discussion

This study explored how litigants interact with court actors during the litigation process. Overall, the participants had confidence in the judicial system due to their confidence in the judges and the court process. With respect to the court workers and lawyers, there were ambivalent findings. Whereas some found the court workers to be helpful, others found them to be altruistic only when paid. For lawyers, there were two extremes of thought: some participants found their lawyers to be helpful whereas others found their lawyers to be expensive and dishonest. An interesting finding of the study with respect to lawyers was that there were persons who had constituted themselves as agents to recruit clients for lawyers.

We found that participants had confidence in the judicial system, hence the reason for bringing their cases before the court. This was manifest in their confidence in the courts, being optimistic that there was fairness in the court and the belief that the judges would deliver justice. When individuals are treated fairly in their interactions with persons in authority, they consider holders of power (in this case judges) to be morally upright. Giving consent to their demands and actions even if they seem not to agree with the authorities, therefore, becomes easier (Tyler & Jackson, 2014). The same legitimization of institutions due to procedural fairness has been found in studies involving property litigants in Ghana (Crook et al., 2010). The fairness of the process and the fairness of the judge were found to be the most important factors legitimizing the adjudication institution for most of the participants. Similarly, we found that the extent to which the litigants found the process to be thorough and the judge fair, enhanced their experience of the court process.

This perception of the judicial system was at variance with the popular perception among the general Ghanaian populace that the judicial system is corrupt (Transparency International, 2007). To buttress the assertion of Transparency International (2007), a survey conducted by Afrobarometer in 2019 showed that most Ghanaians perceived magistrates and judges to be corrupt (Osse & Asiamah, 2020). However, the same survey went further to indicate that only a few of the sample (5%) had encountered the judicial system. What this means is that where people encounter the courts for themselves, their perception is likely to change based on the experience they receive. This coheres with the concept of interactional justice.

Litigant interactions with lawyers are enhanced when they are treated fairly and kindly by them and found to be disastrous when lawyers do not treat them with respect. Our finding shows that some of the lawyers were kind to the participants whereas others found their lawyers to be expensive and for others not trustworthy.

The participants believed in the authority of the courts. In a study of litigants in immovable property cases, Crook (2004) found that most persons use the courts because of their ability to enforce justice. Ghana has a pluralistic judicial system where most cases are settled by family members and sometimes traditional rulers. However, the traditional rulers and family heads are unable to enforce compliance since they do not control the security forces and are unable to employ the legal remedies the court affords to litigants. Thus, for some litigants, using the formal court process affords them an opportunity to ensure enforcement and a remedy. This view makes the judicial system sacrosanct, accounting for why litigants took their cases to court. Moreover, merely having a brush with the judicial system does not really afford one enough basis to conclude whether the judicial system is corrupt. It may also be that the participants used for the current study were at various stages of their cases and were yet to obtain judgment. It is unknown how their perceptions of the court would be altered by the final judgment they receive especially where it is not in their favour. In the study, although some of the litigants were initially sceptical about the courts' ability to deliver justice and as such wanted to test the system, their interactions with judges and the court process, caused them to modify their perceptions about the integrity of the court.

In view of the challenges in the judicial system in Ghana, several initiatives have been put in place to combat corruption within the judicial sector. These include the introduction of the 'paperless court' initiative to advance case management, effective monitoring of cases, diminish processing time, the Anticorruption Action Plan for the judicial sector to promote transparency, integrity, responsiveness to corruption complaints and accountability (Judicial Digest, 2018). These programs as well as the e-justice system, aim at cutting out the delays in the court process and in effect altering the perceptions of litigants that delays may be a sign of corruption.

Also, we found that litigants were satisfied with the services rendered by court officers or workers. This is not surprising since an earlier study of respondents from five African countries including Ghana found high confidence in the court system, especially for persons in the lower class (Boateng & Makin, 2016). This is contrary to an analysis of court trust for thirty-three countries in Africa that presented the view that there was a general distrust in the court system (Boateng & Adjorlolo, 2019). The latter finding used homicide (one of the crimes with the lowest frequency) as an indicator of court system trust. It also failed to consider the pluralistic nature of most African societies that operate both the traditional court systems and the colonial court systems simultaneously. We found that although some of the participants suspected that some of the court officers could be engaging in some acts of corruption, most of the litigants thought the court officers were fair. Participants revealed that court clerks unnecessarily delayed the processes to solicit funds.

For most litigants, a lack of information about the process leads to stress and an unpleasant experience with the legal process (Goldsmith, 2008). Although this study only looked at persons engaged in non-criminal cases, a similar trend was observed in our study. For some of the participants, they obtained information from their lawyers on what to expect while for others this was not possible. This lack of information might have led some participants to perceive underhand dealings by the court actors. Generally, some factors that account for delays in the court process have been documented in other contexts and in Ghana. Delays have been noted to be caused by the absence of parties from the court, absence of lawyers of parties from court, transfer of cases to other judges, lack of compliance with court rules, changes in legal representation, and joinder applications (Crook, 2004b; Ubink, 2004; World Bank, 2010). This calls for more lawyer-client engagement and communication to bring litigants abreast with the court processes and the time costs.

In terms of access to lawyers, litigants obtained lawyers either through personal contact or mostly through a third party. This confirms the evidence that litigants find it difficult to get lawyers (Brakopowers, 2020). Although the Legal Aid Commission was set up to provide lawyers for people who found it difficult to access one, it appears not many people are aware of this scheme in Ghana. This shows that there is a knowledge gap when it comes to where to go for legal assistance, especially for those who do not have money to pay for the services of a lawyer. The probable reason most of the participants got their lawyers

through third parties was due to the ethics of the legal profession that prohibit members from publicly advertising their services. In 2020, the Ghana Bar Association launched its lawyer locator online application aimed at helping clients find lawyers according to their needs and area of interest. Nevertheless, this process has not been assessed to establish user-friendliness and use. It is, however, a good beginning in bringing legal services closer to litigants.

Further, we found divergent views regarding lawyers. Some litigants encountered them as advisors, and financial sponsors whereas others bemoaned the high legal fees and even suspected foul play. This conflicting view of lawyers has also been found among court users in Congo. Some of the litigants found their lawyers to be helpful whereas others found them to be blatantly dishonest (Rubbers & Gallez, 2012). This view of lawyers is also in consonance with the challenges that have already been documented with respect to effective justice delivery in Ghana (Africa Union, 2019). Apart from the high legal fees charged by the lawyers, there was also the assertion that lawyers sometimes connive with their colleagues on the other side to milk litigants by prolonging cases. These impediments are acknowledged by Osse & Asiamah, 2020 which recorded that most Ghanaians believe the formal justice system is too expensive, and thus favours the affluent. Alternatively, the suspicion of litigants might be due to the inadequate knowledge of the court process. For instance, delays that may be because of different schedules of lawyers (Guthiel et al., 2020) might be seen as connivance. Litigants ought to be educated about these dynamics in the court process.

5.1. Limitations and recommendation

The short duration of the interviews did not afford us the opportunity to gather more depth of information from participants. This was especially due to the busy nature of litigants and the anxiety that comes with being within the court premise. Most of them were in a hurry to finish the interviews hence the short duration of the interviews. We noticed that on average interviews conducted outside the court complex took longer durations. Nonetheless, it did not diminish the valuable information that we unearthed from the experiences of litigants. We settled on conducting the interviews within the court complex because litigants were prepared to have it there. Aside from that, most of them stayed very far from the court complex, with some coming from different regions of the country. We recommend that, if possible, all interviews in future studies be conducted outside the court complex for more extensive interviewing. Although the criterion sampling was appropriate for achieving the overall objectives of the broader study, it limited the number of participants that could participate in the study. Future studies should consider a purely qualitative study that would afford the opportunity to use a sampling technique that will increase the sample. Also, for a better understanding of litigants' experiences, we recommend that other studies consider the use of case studies, and longitudinal studies.

6. Conclusion

Our findings show that litigants hold mixed feelings about court workers and lawyers. Although some of these actors engage in corrupt acts, there are others who do not. The suspicions of some litigants about the possible corruption among some court officers and lawyers attributed to delays might not necessarily be due to acts of corruption, but because such litigants are not well informed with regards to the possible factors that account for the delay in the court process. The lawyers could do this education when they meet their clients. In addition, some lawyers should be encouraged to empathize with their clients and provide more pro bono services where possible.

Ethical approval

All procedures performed in studies involving human participants were in accordance with the ethical standards of the institutional and/or national research committee of the University of Ghana [protocol number: ECH 048/17-18] and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards.

Informed consent

Informed consent was obtained from all individual participants included in the study.

Data availability statement

Raw data were generated during the study at the Court Complex, Accra. Derived data supporting the findings of this study are available from the corresponding author FP on request.

Declaration of competing interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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