



# **EDO STATE JUDICIARY**

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## **CODE OF CONDUCT FOR COURT EMPLOYEES**

**of the Federal Republic of Nigeria**

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# **CODE OF CONDUCT**

## **for Court Employees of The Federal Republic of Nigeria**

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### **PREAMBLE**

Whereas an independent, strong, respectable and responsible judiciary is indispensable for the administration of justice in a civilised society:

And whereas Court Employees are complementary to and supportive of the role of Judicial Officers in the administration of justice:

And whereas the duties of a Court Employee, which include all statutory duties prescribed by law, take precedence over all his other activities:

And whereas Court Employees hold highly visible positions of public trust and it is desirable that a standard of conduct which a Court Employee should observe be prescribed and published for the information of the Court Employee and the public in general so that the objectives set out in this preamble may be achieved:

And whereas with the approval of the Chief Justice of Nigeria leading to the subsequent review by the Board of Governors of the National Judicial Institute, all State Chief Judges and Secretaries of the Federal and States Judicial Service Commissions and the Federal Capital Territory Judicial Service Committee respectively of this model Code of Conduct for Court Employees:

Therefore, this Code of Conduct for Court Employees is hereby adopted and prescribed, effective 1 March, 2004.

## **EXPLANATIONS**

### **(i) Applicability**

This Code of Conduct shall apply to all categories of Court Employees in all Courts in the Federal Republic of Nigeria.

In this Code the term Court Employees shall mean all categories of employees involved in the day-to-day administration of the Court, other than Judicial Officers.

It shall also include employees of all Special Courts, Tribunals, Commissions of Enquiry, staff of the respective Federal and State Judicial Service Commissions and Federal Capital Territory Judicial Service Committee and such other bodies set up to perform judicial and quasi-judicial functions.

### **(ii) Procedure for Reporting Violations of this Code of Conduct**

Reports against Court Employees shall be made in accordance with the existing rules and laws applicable in the various Federal and States Judiciaries.

## **RULES**

In the performance of his duties, a Court Employee shall observe the following rules:

### **RULE 1: ACCOUNTABILITY**

#### **A. Resources, Property and Funds**

A Court Employee is accountable for the resources, property and funds entrusted to him. Accordingly, he shall

1. use the resources, property and funds under his official control judiciously, transparently and solely in accordance with prescribed financial regulations and other applicable rules.
2. be accountable for his decisions and actions to the public and must submit himself to whatever scrutiny is required of his office by the proper authority.
3. not place himself under any financial or other obligations to outside individuals or organisations that might influence the performance of his official duties.
4. where applicable, declare his assets on appointment and subsequently, as may be required by Law.

#### **B. Confidential Information**

A Court Employee is also accountable for confidential information entrusted to him. Accordingly, a Court Employee shall not

1. speak to the media or grant interviews in his personal capacity as a free citizen in a way that may be injurious to the collective integrity of his employment.
2. disclose to any unauthorised person any confidential information which may have come to his knowledge in the course of his employment.
3. give out any official document of the judiciary in any form without authorization.

## **Guidelines**

**Rule 1(A) Resources, Property & Funds** - A Court Employee is a custodian of the public resources that are placed at his disposal. Funds should be expended carefully and only for the purposes intended by the funding unit. Pitfalls could include such temptations as personal telephone calls at funding unit expense, personal use of government property, such as pens, pencils, paper, printers, computers, vehicles, etc. or the use of funding unit property to assist non-employees in some way as a favour.

**Rule 1(B) Confidentiality** - Sensitive information acquired by Court Employees in the course of performing their official duties should never be revealed until it is made a matter of public record. Even when the information becomes public, Court Employees should exercise a great deal of discretion. Sometimes breaches of confidentiality do not involve intentional disclosures of official Court records. Some are the result of innocent and casual remarks about pending or closed cases, or about parties in litigation, which could give lawyers, litigants and reporters confidential information. Such remarks can seriously compromise a case or a person's standing in the community. Court Employees should discuss cases only for legitimate reasons and should handle sensational or sensitive cases with great care and discretion.

## **RULE 2: RELATIONSHIPS A. Associations**

A Court Employee shall

1. avoid close personal association with individuals, lawyers, litigants, and members of the public, where such association may reasonably give rise to suspicion or appearance of partiality or favouritism.

2. refrain from lobbying or attempting to influence official decisions including posting to a particular place by reason of a relationship with a superior officer, or resisting a transfer to another jurisdiction.

### **B. Membership in Organisations**

A Court Employee shall not be a member of, belong to or take part in any society, club and or organisation the membership of which is incompatible with the function and dignity of his office.

### **C. Impartiality**

A Court Employee shall

1. not discriminate on the basis of, nor display by words or conduct, a bias or prejudice based upon tribe, religion, colour, nationality, gender or other protected group, in the conduct of service to the Court and public.
2. carry out his responsibilities to the public in a timely, impartial, diligent and courteous manner.

### **Guidelines**

**Rule 2(A) Associations** - A Court Employee, in the course of his employment, comes into frequent contact with lawyers, litigants, and other members of the public who have dealings with the Court. However, he must be very cautious not to become overly familiar with these individuals since doing so would give the appearance of partiality. This means that a Court Employee must limit his social activities to prevent the "close personal associations" mentioned.

Likewise, a Court Employee should not use any personal relationship that he might have with a Judge or other superior officer at the Court to lobby or influence official decisions that affect him or others.

**Rule 2(B) Membership in Organisations** - A Court Employee's participation in societies or organisations should not intrude into the workplace through the displaying of literature, badges, signs or other material advertising a cause, party, or club membership. Soliciting or receiving funds at the workplace is not appropriate. In addition, no government equipment or resources of any kind are to be used for promoting any club or organisational activities in the workplace before, during or after working hours.

**Rule 2(C) Impartiality** - Court Employees should treat everyone with the same courtesy, tact and respect. The giving of special privileges or exemptions by an employee to certain people gives the impression that they are more favoured than others and reflects poorly on the notion that the Judicial System and its employees are impartial.

The official actions of an employee should not be affected or appear to be affected by kinship, rank, position or influence of any party or person.

Each day Court Employees are called upon to assist lawyers, litigants and the general public. It is each Court Employee's responsibility to provide these Court users with the utmost service, regardless of the individual's race, religion, gender, nationality etc. No form of discrimination is acceptable and when discovered should be exposed and eliminated.

### **RULE 3: ABUSE OF POSITION**

#### **A. Personal Enrichment**

A Court Employee shall not

1. use or accept to use his position or office to secure unwarranted privileges, gratify or confer any corrupt or unfair advantage upon himself or any relation or associate.
2. solicit, request or accept any compensation or fee beyond that received from the employer for work done in the course of his duty.
3. use the resources, property and funds under his control for purposes other than those for which they are meant.
4. solicit patronage from litigants or members of the public for purposes of preparing affidavits or other processes for monetary consideration or utilize the Court's resources or property for such purposes.
5. engage in any type of trade or business in Court premises during office hours, or encourage others to do so.
6. offer legal advice, canvass, tout, and or present himself in such a manner as to give the impression of being capable of influencing the course of justice.
7. appropriate to himself or disburse by way of loan to himself or any person, court fees, fines or other funds in his custody.

- 8a. demand or accept any gift or benefit of any kind, as a condition for the performance of his duties, for himself or on behalf of any person on account of anything done or omitted to be done by him in the discharge of the duties of his office.
- 8b. accept any gift on the understanding that such gift would influence official action by him or that other person on whose behalf benefit is sought or accepted.

A Court Employee is however permitted to accept:

- i. Personal gifts or benefits from relatives or personal friends to such extent and on such occasions as are recognized by custom.
- ii. Books supplied by publishers on a complimentary basis.
- iii. A loan from lending institution in its regular course of business on the same terms generally available to people who are not Court Employees.
- iv. A scholarship or fellowship awarded on the same terms applied to other applicants.

## **B. Conflict of Interest**

A Court Employee shall not

- 1. put himself in a position where his personal interest conflicts or appears to conflict with the interest of the Court.
- 2. engage in any business which may conflict or appear to conflict with the performance of his official duties.

## **Guidelines**

**Rule 3(A) Personal Enrichment** - This Rule addresses the concept of the use of a Court position to secure “privileges” or “exemptions.” Generally these would be special considerations given by others to the employee specifically because of his position as a Court Employee. The solicitation or acceptance of a gift with the understanding that something will be done in return contravenes the ideals expressed in this section. Public service should be delivered impartially, with equal service to all users. The administration of justice is subverted if employees appear to deliver service in exchange for a reward. All users of the justice system must be treated equally.

Gifts of any sort raise a question as to the independence of the employee, and are therefore prohibited. An understanding may be tacit on the part of the donor that the employee will look favourably upon the donor in the future. It will certainly seem so to observers. Seemingly small and innocent gifts may soon lead to larger ones, more and more threatening the integrity of the employee. The compensation of Court Employees is to be provided by their funding unit through their salary and benefits. An employee should not request or accept any additional compensation for doing his duty as a Court Employee. Acceptance of any additional compensation for doing his duty gives rise to the impression that the Court Employee will be responsive to the needs of the donor.

Court Employees are not permitted to practice law, with the exception of those employees who are qualified legal practitioners required by their statutory duties to offer legal guidance. However, the general prohibition against the giving of legal advice does not mean that employees should be afraid

to provide excellent and accurate information about the Court and Court process as authorised by law.

**Rule 3(B) Conflict of Interest** - A conflict of interest exists when the employee's ability to perform his duty is impaired or when the Court Employee, his family or business would derive some benefits as a result of his position within the Court system. It is, therefore, required that employees avoid situations that would impair their ability to fulfil that obligation.

The employee's position within the Court system must be his primary employment. Outside employment must be fulfilled outside the normal working hours of the Court and must not be in conflict or interfere with the performance of the employee's duties and responsibilities in the Court. No form of private business shall be performed utilizing the resources of the Court nor shall the private business require or induce the employee to disclose information acquired in the course of his official duties. Such private business should not reflect adversely on the integrity of the Court.

Court Employees should not take up employment with private chambers or any other agencies.

#### **RULE 4: DECORUM AND COMPORTMENT**

A Court Employee shall

1. attend to all enquiries from lawyers, litigants and members of the public with the utmost courtesy and without employing foul or indecent language;
2. carry out promptly any official directive or instruction from a superior officer and be committed in the discharge of his duties;

3. study and comply with the laws, rules of Court, and schedule of duties and should conduct himself at all times in a manner that promotes public confidence in the integrity, impartiality and independence of the judiciary;
4. be punctual to work and not absent himself from duty without leave or permission from his superior officer, first sought and obtained;
5. be formally dressed while on duty and avoid all forms of inappropriate and indecent dressing; and
6. promote ethical conduct in the discharge of his duties as prescribed by this Code and report any improper conduct by any person to the appropriate authorities.

### **Guidelines**

Court Employees are highly visible in action and conduct and these reflect upon not only themselves, but the Court as well. Improper behaviour or the appearance thereof may compromise an employee's professional integrity. Before taking a particular action, Court Employees must consider its propriety. Employees should conduct themselves in a manner that commands public trust and confidence.

## **SANCTIONS**

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Breach and/or violation of any rule contained in this Code shall constitute gross misconduct or misbehaviour and may attract disciplinary action, and this shall be without prejudice to the penalty which may be imposed by any law where the breach is also a criminal offence.



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