



## Federal Republic of Nigeria

# Code of Conduct for Judicial Officers

### Preamble

Whereas an independent, strong, respected and respectable Judiciary is indispensable for the impartial administration of Justice in a democratic State:

And whereas a Judicial Officer should actively participate in establishing, maintaining, enforcing, and himself observing a high standard of conduct so that the integrity and respect for the independence of the Judiciary may be preserved.

And whereas the judicial duties of a Judicial Officer, which include all the duties of his office prescribed by law, take precedence over all his other activities:

And whereas it is desirable that standard of conduct which a Judicial Officer should observe be prescribed and published for the information of the Judicial Officer himself and the public in general so that the objectives set out in this preamble may be achieved:

Therefore, this Code of Conduct for Judicial Officers of the Federal Republic of Nigeria is hereby adopted.

### Explanations

- (i) In this Code, the term 'Judicial Officer' shall mean a holder of the office of Chief Justice of Nigeria, a Justice of the Supreme Court, the President or Justice of the Court of Appeal, the Chief Judge or Judge of the Federal High Court, of a State and of the Federal Capital Territory, Abuja, the Grand Khadi or Khadi of a Sharia Court of Appeal of a State and of the Federal Capital Territory, Abuja, the President or Judge of a Customary Court of Appeal of a State and of the Federal Capital Territory, Abuja and includes the holder of a similar office in any inferior court whatsoever.
- (ii) The Code applies to all categories of judicial officers throughout the Federation.
- (iii) Violation of any of the rules contained in this Code shall constitute judicial misconduct or misbehaviour and may entail disciplinary action.

### Rules

In the performance of his duties, a Judicial Officer should observe the following rules;

#### *Rule 1*

A Judicial Officer should avoid impropriety and the appearance of impropriety in all his activities

1. A Judicial Officer should respect and comply with the laws of the land and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary.
2. Social Relationships
  - (a) A Judicial Officer must avoid social relationship that are improper or give rise to an appearance of impropriety, that cast doubt on the judicial officers ability to decide cases impartially, or that bring disrepute to the Judiciary.
  - (b) A Judicial Officer shall not be a member of any society or organisation that practises invidious discrimination on the basis of race, sex, religion or ethnic origin or whose aims and objectives are incompatible with the functions or dignity of his office.

#### *Rule 2*

#### A - Adjudicative Duties

1. A judicial Officer should be true and faithful to the Constitution and the law, uphold the course of justice by abiding with the provisions of the Constitution and the law and should acquire and maintain professional competence.
2. A Judicial Officer must avoid the abuse of the power of issuing interim injunctions, *ex parte*.
3. In judicial proceedings, a Judicial Officer should maintain order and decorum.
4. A Judicial Officer should be patient, dignified and courteous to accused persons and litigants, assessors, witnesses, legal practitioners and all others with whom he has to deal in his official capacity and should demand similar conduct of legal practitioners, his staff and others under his direction and control.
5.
  - (i) A Judicial Officer should accord to every person who is legally interested in a proceeding, or his legal representative full right to be heard according to law, and except as authorised by law, neither initiate, encourage, nor consider *ex-parte* or other communications concerning a pending or impending proceeding.
  - (ii) For the purpose of this sub-rule. An "ex-parte communication" is any communication involving less than all the parties who have 'a legal interest in the case, whether oral or written, about a pending or impending case, made to or initiated by the Judicial Officer presiding over the case.
6. A Judicial Officer should promptly dispose of the business of Court. In order to achieve this, the Judicial Officer is required to devote adequate time to his duties, to be punctual in attending Court and expeditious in bringing to a conclusion and determining matters under submission. Unless ill or unable, for good reason, to come to court, a Judicial Officer must appear regularly for work, avoid tardiness, and maintain official hours of the court.
7. A Judicial Officer shall endeavour that there is strict compliance with the provisions of the Constitution which require that a copy of judgement of the superior court of record be given to parties in the cause within seven days of the delivery thereof.
8. A Judicial Officer should abstain from comment about a pending or impending proceeding in any court in this country, and should require similar abstention on the part of court personnel under his direction and control. This provision does not prohibit a Judicial Officer from making statements in the course of his official duties or from explaining for public or private information the procedure of the court provided such statements are not prejudicial to the integrity of the Judiciary and the administration of justice.

9. A Judicial Officer shall be bound by professional secrecy with regard to his deliberations and to confidential information acquired in the course of his duties other than in public proceedings.
10. A Judicial Officer should prohibit broadcasting, televising, recording of or photographing in the court room and areas immediately adjacent thereto during sessions of court or recesses between sessions in order to prevent the distortion or dramatisation of the proceedings by such recording or reproduction. A Judicial Officer may authorise:
  - (a) the broadcasting, televising, recording or photographing of investigative and other proceedings;
  - (b) the electronic recording and reproduction of appropriate court proceedings by means of recording that will not distract participants or impair the dignity of the proceedings.

#### B - Administrative Duties

1. A Judicial Officer should diligently discharge his administrative duties, maintain professional competence in judicial administration and facilitate the performance of the administrative duties of other Judicial Officers and court officials.
2. Judicial Officer should require his staff and other court officials under his direction and control to observe the standards of fidelity and diligence that apply to him.
3. A Judicial Officer on becoming aware of reliable evidence of unethical or unprofessional conduct by another judicial officer or a legal practitioner should immediately take adequate steps to report the same to the appropriate body seized with disciplinary powers on the matter complained of.
4. In the exercise of his administrative duties, a Judicial Officer should avoid nepotism and favouritism.
5. A Judicial Officer must refrain from engaging in sexual harassment.
6. A Judicial Officer shall not be a member of a tenders' board or engage in the award of contracts.

#### C - Disqualification

1. A Judicial Officer should disqualify himself in a proceeding in which his impartiality might reasonably be questioned, including but not limited to the instances where:
  - (a) he has personal bias or prejudice concerning a party or personal knowledge of facts in dispute;
  - (b) he served as a legal practitioner in the matter in controversy, or a legal practitioner with whom he previously practised law served during such association as a legal practitioner concerning the matter or the Judicial Officer or such legal practitioner has been a material witness in the matter;
  - (c) he knows that he individually or as a Judicial Officer or his spouse or child, has a financial or any other interest that could be substantially affected by the outcome of the proceeding;
  - (d) he or his spouse, or a person related to either of them or the spouse of such person;
    - (i) is a party to the proceedings, or an officer, director or trustee of a party;
    - (ii) is acting as a legal practitioner in the proceedings;
    - (iii) is known by the Judicial Officer to have an interest which could be substantially affected by the outcome of the proceedings.

- (iv) is to the Judicial Officers knowledge likely to be a material witness in the proceedings.
- 2. A Judicial Officer should inform himself about his personal and fiduciary financial interests.
- 3. For the purpose of this section -
  - (a) "fiduciary" includes such relationships as executor, administrator, trustee guardian;
  - (b) "financial interest" means ownership in a substantial manner of a legal or equitable interest or a relationship as director, adviser or other active participation in the affairs of a party except that;
    - (i) ownership in a mutual or common investment fund which holds securities is not a financial interest in such securities unless the Judicial Officer participates in the management of the fund
    - (ii) an office in an educational, religious, charitable or civil organisation is not a "financial interest" in securities held by the organisation;
    - (iii) the proprietary interest of a policy holder in a mutual savings' society or similar proprietary interest, is a "financial interest" in the organisation only if the outcome of the proceedings could substantially affect the value of the interest;
    - (iv) ownership of government securities is a "financial interest" in the issues only if the outcome of the proceedings could substantially affect the value of the securities.

#### D - Waiver of Disqualification

A Judicial Officer disqualified by the terms of Rule 2C (1) (c) or Rule 2C (1)(d) may, instead of withdrawing from the proceedings disclose on the record the basis of his disqualification. If based on such disclosure, the parties, their representatives and or their legal practitioners, independently of the Judicial Officer's participation, all agree that the Judicial Officer's relationship is immaterial or that his financial interest is insubstantial, the Judicial Officer is no longer disqualified and may participate in the proceedings. The consent by the parties, their representatives *and /or* their legal practitioners shall be recorded and shall form part of the record of proceedings.

#### *Rule 3*

A Judicial Officer should regulate his Extra-Judicial Activities to minimise the risk of conflict with his judicial duties.

#### A - Avocational Activities

A Judicial Officer may engage in the arts, sports and other social and recreational activities if such avocational activities do not adversely affect the dignity of his office or interfere with the performance of his judicial duties.

#### B(i) - Civil and Charitable Activities

A Judicial Officer may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. He may, therefore, serve as an officer, director, trustee, or non-legal adviser of an educational, religious, charitable or civil organisation not

conducted for the economic or political advantage of its members subject to the condition that he should not serve if it is likely that the organisation will be engaged in proceedings which would ordinarily come before him or will be regularly involved in legal proceedings in any court.

#### B(ii) - Freedom of expression and association

In accordance with the fundamental rights enshrined in the Constitution, a Judicial Officer is like other citizens entitled to freedom of expression, belief, association and assembly, **Provided**, however, that in exercising such rights, he shall always conduct himself in such a manner as to preserve the dignity of his office and the impartiality and independence of the judiciary.

B(iii) - Judicial Officers shall be free to form and join associations of judges or other organisations to represent their interests, to promote their professional training and to protect their judicial independence.

#### C - Chieftaincy Titles

A Judicial Officer shall not take or accept any Chieftaincy title while in office.

#### D - Fiduciary Activities

A Judicial Officer should not serve as the executor, administrator, trustee, guardian or other fiduciary, except for the estate, trust, or person of a member of his family, and that only if such service will not interfere with the proper performance of his judicial duties. "*Member of his family*" includes a spouse, child, grandchild, parent, grandparent, or other relative or person with whom the Judicial Officer maintains a close familiar relationship. In this capacity a Judicial Officer is subject to the following conditions:

- (i) he should not serve if it is likely that as a fiduciary he will be engaged in proceedings which would ordinarily come before him, or if the estate, trust, or ward becomes involved in legal proceedings in the court to which he serves or one under its appellate jurisdiction;
- (ii) while acting as a fiduciary, a Judicial Officer is subject to the same restrictions in financial activities which apply to him in his personal capacity.

#### E - Business and Financial Activities.

1. A Judicial Officer may own investments and real property **Provided** that in the management of his investments he shall not serve as an officer, director, manager, general partner, adviser or employee of any business entity.

2. Otherwise permissible investment or business activities are prohibited if they:

- (a) Tend to reflect adversely on judicial impartiality,
- (b) Interfere with the proper performance of judicial duties.
- (c) Exploit the judicial position, or
- (d) Involve the Judicial Officer in frequent transactions with legal practitioners or with people likely to come before the Judicial officers court.

## F - Acceptance of Gifts

1. A Judicial Officer and members of his family shall neither ask for nor accept any gift, bequest, favour, or loan on account of anything done or omitted to be done by him in the discharge of his duties.
2. A Judicial Officer is, however permitted to accept:
  - (i) personal gifts or benefits from relatives or personal friends to such extent and on such occasions as are recognised 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 Judicial Officers;
  - (iv) A scholarship or fellowship awarded on the same terms applied to other applicants.

## G - Practice of Law

A Judicial Officer should not practise law nor act as an arbitrator.

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