

# **Relationship between the Heads of Court and Court Employees**

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I wish to commence this discourse by expressing my profound gratitude and appreciation to the Administrator of the National Judicial Institute,(NJI) Hon. Justice R.P.I. Bozimo, OFR for giving me the opportunity to present this paper. I also wish to appreciate my colleagues for their contributions in writing this paper, and the NJI staff for their moral support.

## **1.1 Introduction**

The topic for discourse titled “Relationship between Heads of Court and Court Employees” is a pertinent topic because it defines the harmonious correlation between the twin arms of the Judiciary, Heads of Courts, on the one hand and Court Employees on the other hand, both working assiduously to achieve a common objective; the efficient administration of justice. This objective is no less the constitutional mandate of the Nigerian judiciary which must not only be discharged but must be seen to be discharged efficiently. Efficient administration of justice would therefore depend on how well the twin arms, as stakeholders in the court, work together to discharge their assigned roles optimally. Section 6 of the Constitution<sup>2</sup> (the Constitution) vested all judicial powers in the courts established or deemed to be established by the Constitution both at federal and state levels. Section 6 (5) of 1999 Constitution enumerates the courts of record<sup>3</sup>. These courts

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<sup>2</sup> Constitution of the Federal Republic of Nigeria, (1999) (as amended)

<sup>3</sup> (a)The Supreme Court of Nigeria, (b) the Court of Appeal, (c)The Federal High Court, (d) The High Court of the Federal Capital Territory,(e) High Court of a State, (f) Shari’ah Court of Appeal of the Federal Capital Territory, Abuja(g) Shari’ah Court

exist by virtue of the Constitution and it is the duty of the courts to live up to its constitutional obligation by discharging its responsibility. This responsibility can neither be discharged by the heads of courts alone nor by court employees in isolation of one another. This therefore justifies the need to examine the relationship between the heads of courts and court employees.

## **1.2 Objective**

The purpose of this discourse is to examine the work relationship between the heads of court and court employees, improve court employees's understanding on how to relate and work with the court leadership (heads of courts and superior officers) and ensure effectiveness of court system in the administration of justice. By so doing, it is our prayer that this discourse would improve the work relationship between the leadership of court and the court employees in order to achieve desired efficiency in the administration of justice.

## **1.3 Definitions**

### **1.3.1 Head of Court**

Head of court refers to the leadership in court by a Chief Judge or Grand Kadi who, is in charge of the administrative affairs of a particular court, assigning cases to brother judges and managing both staff and resources of the court in terms of carrying out operations and statutory functions of the court. The head of court is usually the most senior judge among the judges of the bench of a particular court i.e Chief Justice of Nigeria, Supreme Court, the President Court of Appeal, Court of Appeal, Chief Judge of a State High Court and F.C.T., Chief Judge of the Federal High Court, Grand Kadi of Shari'ah Court of Appeal of States and F.C.T, President Customary Court of Appeal of States and F.C.T. President, National Industrial Court and heads of Tribunals. These are the heads of court in charge of running the affairs of their respective courts. However, for administrative convenience,

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of Appeal of a State, (h) Customary Court of Appeal of the Federal Capital Territory, Abuja (i) Customary Court of Appeal of a State

the head of court delegates his powers to the Chief Registrar of court, being the highest court employee whose duty is to manage the administrative operations of the court and in charge of staff supervision on their respective duties. The Chief Registrar also sub delegates some functions to the various heads of departments, units and coordinate their activities to ensure effective administration of justice. Thus, the relationship between the various offices is interdependent and complimentary because they all share a common objective towards achieving efficient administration of justice.

### **1.3.2 Court Employees**

Court employees on the other hand, constitute all categories of court staff from the Chief Registrar to the messenger or cleaner. In other words, any staff of the judiciary not being a Judicial Officer is a court employee<sup>4</sup>. The court employees are the work force of court who carry out day to day operations of the court according to their assigned schedules. They are gate keepers of the temple of justice; they serve as the first contact to the public in the court of law thus they render judicial services to the court users. Therefore, by their official conduct, they should live above board in accordance with the standard established by the Code of Conduct for Court Employees (CCCE). Even though court employees are not recognised as professionals, however the manner in which they carry out their duties with dexterity according to law and procedures indicates professionalism in their own rights. Any slight mistake of court process, in terms of wrong name, address or misjoinder of parties would spell doom to the judicial process. By their wealth of experience, they guide new wigs on the processes of court and adjudication. Court therefore is a disciplined institution that requires disciplined staff to run its operations. These court employees include Chief Registrar, Deputy Chief Registrar, Legal Assistants, Process Clerks, Bailiffs, Messengers, securities and cleaners e.t.c

### **1.3.3 Relationship**

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<sup>4</sup> Explanation (1) Applicability; Code of Conduct for the Court Employees of the Federal Republic of Nigeria, 2004. (CCCE)

The Blacks Law Dictionary defines “relationship” as links, contact or dealings between people, group or countries. However, in this context, we mean the interplay of functions, schedules and service between leadership of court and the court employees in the administration of justice

There are two major forms of relationships operational in court administration which include horizontal (top- bottom and bottom - up) and vertical relationship in terms of flow of court administrative process. The horizontal (bottom-up) takes the form of Policy, Circulars, Directives, Command or Queries which may take written or oral form. It usually flows from the Head of Court, head of department or Units, superior officers down to the recipient staff. The vertical relationship is the one between colleagues where they share mutual advice, experience and assistance in official or personal capacities. This is really helpful in terms of smooth coordination of official activities at work place or court. The bottom-up relationship takes the form of report or feed back of official task given by the superiors to the subordinate staff, channelling complaints, grievance or dissatisfaction of certain decision(s), action or conduct of a fellow staff in the course of official functions. However, such complaints shall be expressed in respectful, polite and formal manner as laid down in accordance with internal complaint mechanism. By passing the immediate superiors, heads of department or unit, the chief registrar or any other established line of authority for administrative complaints is not healthy for the stability of the system.

#### **1.3.4 Delegated Authority by the Head of Court to Superior Officers**

This refers to the administrative hierarchy or structure of command in the court administration system where the head of court largely delegates his administrative authority to man the staff and other operations of the court. The hierarchy include the Chief Registrar, Deputy Chief Registrar, heads of departments, units and even adhoc committee /task force. The exercise of some administrative powers of the head of court is substantially carried out by these organs on day to day operations. Therefore, like the head of court, they need to exercise these powers with diligence and probity. The court

employees, on the other hand, deserve motivational leadership to wilfully submit, cooperate with the leadership of court in order to put in their commitment to work. This, however, brings to light the style of leadership the heads of court need to operate in order to get meaningful support and cooperation of the court staff. Leadership style shall be discussed in due course.

#### **1.4 Relationship between the Heads of Court and Court Employees**

The relationship between the heads of court and court employees is that of courtesy, respect and dignity, loyalty and obedience, commitment to work and above all, compliance with the Code of Conduct for Court Employees (CCCE). These virtues among other things define the parameters within which every court employee is expected to observe as a minister in the temple of justice. Where there is no such good relationship between the duo (Heads of court and Court Employees), no matter the soundness of a legal system, it would be a rough journey for both the court users and the administrators of court. There is therefore need for a good relationship and effective collaboration between the heads of court and court employees in order to achieve the desired efficiency in the administration of justice.

##### **1.4.1 Courtesy**

Centuries ago, cases were judged by kings or princes over matters in disputes between their subjects and between their subjects and others. As days went by, it became burdensome for kings to personally continue with adjudication of disputes over matters brought before them, therefore they appointed learned people (judges) to represent them. The word “court” was derived from the Kings Royal Court of England. The Judge was conferred with royal powers to enable him discharge the responsibility assigned to him by the royalty. Thus people were required to stand in deference for him (in court) as they do to royalty, address him with utmost courtesy “My Lord” and obey his order as the King’s order. This respect reminds the judge that he wields unusual powers over someone’s right to life and property, power to resolve disputes between individuals and individual and the

state. Now, in modern state, a judge derives his powers from the Constitution<sup>5</sup> and as such represents judicial powers of the state. Above all, our religious beliefs show that a judge is a representative of God on earth, chosen among others, to administer justice on His behalf. Thus they deserve public courtesy.

### **1.4.2 Respect and Dignity**

This is a silent way to express feelings of honour for a judge, it is an unspoken way of communication which builds strong relationship between people (head of court and court employee) respecting each other. When a person shows respect for another, it means that the person attach some value to him and thus respect begets respect in return. His advice and suggestion become important to him. Respect to heads of court is by no means subordination, degrading, sign of weakness or inferiority. It is a natural order of humanity and to respect is human. Respect for a judge therefore symbolises the dignity attached to the office of a judge and heads of court (not the persons). When you talk to the head of court, be polite, pleasant, precise and keep the volume of your voice as low as audible to his hearing. Do not interrupt or over ride the head of court when talking, listen carefully and only talk when he allows you to talk. Also, do not use your phone before the head of court or a superior officer unless he asks you to do so. When calling head of court on phone, introduce yourself, state reason(s) for your call and precise to the point. Avoid the use of slangs or vulgar words like “you know” “uh” and repetition of “like” unnecessarily. The Head of court or superior officer may appreciate if you hold door open and take after him when entering a door.

### **1.4.2 Loyalty and Obedience**

The general rule, at common law, is that an employee is under obligation to obey the orders of his employer<sup>6</sup>. Where an employee disobeys the lawful orders of his master, he is

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<sup>5</sup> Section 6.(6) Constitution of the Federal Republic of Nigeria, (1999) (as amended)

<sup>6</sup> *Limland v Stephens* (1810) 3 esp 269

deem to repudiate the contract of his employment.<sup>7</sup> Wilful disobedience may be sufficient ground for summary dismissal. But such an order must be lawful and proper for it to be obeyed. Thus, an employee is not under a duty to obey an order which is contrary to law, the Code of Conduct or even common law principles. Such an order is unlawful. Also, an employee is not under any obligation to obey an order which will either endanger his life<sup>8</sup>, safety, health or expose him to corruption or any act of impropriety. The order also must be proper within the terms of contractual duties of the employee. This include the nature of duties, the time and place where duties are to be carried out<sup>9</sup>.

Where the head of court or superior officer asks the court employee to demand or accept gift, gratification or any other request on his behalf, he can politely decline or ask him to make it official in writing. Thus, the court employee, as a public officer, must not put himself in a position whereby he would be personally in conflict with the law or held responsible for his actions.

It is important to note, domestic, personal engagement or errands of the heads of court by a court employees is gratuitous unless one is officially engaged for that purpose. As court employees, who are governed by the Code of Conduct for Court Employees, these principles of common law, though largely persuasive, apply to them aside from the Code of Conduct.

Also, a Court Employee should avoid situations where his personal interest conflict with his duties and responsibilities. Acceptance of gift, gratification and touting is prohibited.

### **1.4.3 Duty to Keep Confidential Information**

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<sup>7</sup> Pepper v Webb (1969) 2 All ER 216, 218

<sup>8</sup> Turner v Mason (1845) 13 MEW 192

<sup>9</sup> Price v Mouat (1862) 11 CBN 508

A court employee must not disclose any confidential information entrusted to him as well as data that is kept under his care or his colleague in the course of his work<sup>10</sup>. He should not divulge any official and unofficial information about the head of court, superior officers or any decision or action taken or about to be taken by the court management. Thus, he cannot disclose or leak the content of any judgement, official records or any other official information to unauthorised person within or outside the court unless he is authorised to do so.

#### **1.4.4 Commitment to work**

Commitment to work is one of the attitudes that distinguish individual staff from others and endears him to the leadership, which most times attract commendation for promotion or other rewards. However, where a staff shows lack of commitment to work, he is likely not to enjoy the blessings of the leadership particularly in situation where such attitude affects his efficiency or productivity at work. Negative attitude like, truancy, absenteeism, closing before time, lack of dexterity to work or assignments, flagrant disobedience to instructions and commands, rudeness, fighting, disregard to court users, show of laziness, lack of interest in the job, inadvertence, engagement in personal activities, unnecessary chattings and gossips e.t.c are not tolerable attitudes to the heads of court. These negative attitudes among others can obviously affect the smooth relationship between heads of court and court staff as it is the responsibility of the heads of court to sanction same. Therefore any person indulged in such attitude would certainly face disciplinary action.

#### **1.5 Discipline**

Discipline is one of the most challenging issues faced by the heads of court or the Judicial Service Commission/ Committee Disciplinary Committee in terms of fairness, equality, consistency of sanctions appropriate to the determination of erring conduct of court employees. The Code of Conduct for the Court Employees defines the dos and dont's for the court employees at work, provides uniform rules applicable to all actions, inactions or

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<sup>10</sup> Rule 1 (b) Code of Conduct or Court Employees, 2004 (CCCE)

infractions and consequential sanctions of the rules regardless of the personality involved. Therefore, the court, as a discipline organisation, now has rules that guide the administrative actions of its leadership in terms of discipline of the court staff. Although, the heads of court have limited power in terms of sanctioning erring staff, however they have powers to issue query, suspend staff and refer erring staff to disciplinary committee for stiffer sanctions of dismissal or termination of job. Where a court employee is dissatisfied with the action or query issued to him by a superior officer responsible for his discipline, he should follow the laid down procedure provided by internal complaint mechanism. Other complaints against the conduct of colleague should also take the form of bottom –up complaint line of action i.e report to immediate superior officer, head of unit or department.

It is important to note that, Rule 2 (2) CCCE enjoins court employees to refrain from lobbying or attempting to influence official decision including posting to a particular place, department or unit by reason of a relationship with a superior officer, or resisting a transfer to another place, department or unit. This is common infractions of the rules which is adversely affecting productivity in the court administration. It also extends to the use of personal relationship that a court employee may have with the head of court or superior officer to lobby or influence judgment or official decision that affects him or others. This would naturally breed nepotism, partiality and inequality which create discontent within the staff.

### **1.6 Membership in Association/ Organisation**

With regard to the relationship of a court employee with co-staff, Rule 2(3) provides that a court employee shall not belong to organisations, societies or clubs which is incompatible with the function and dignity of his office. Where the rules permits membership of court employee, in exceptional cases, his membership should not intrude into workplace through the display of literature, badges, signs or other material advertising a cause, party or club membership which in someway affect the opinion of others. This however does not affect

the right of a court employee in relation to membership of Registered Trade Union like the Judiciary Staff Union of Nigeria (JUSUN) in line with section 40 of 1999 Constitution<sup>11</sup> (as amended) and in accordance with the Trade Union Act<sup>12</sup>(as amended). However, activities of such union must be conducted outside the official working hours except with the prior consent of the head of court<sup>13</sup>. It is important to note that not all court employees have the right to join a trade union or serve as officers of a trade union. Therefore, a court employee who qualifies as projection of management cannot join trade union or serve as officer of a trade union<sup>14</sup>. Any dissenting position taken out of such union meeting should be channelled through the leadership of the union to the appropriate authorities in a polite negotiation manner. No court employee is allowed to confront heads of court unilaterally and in isolation of other staff on matters resolved at the union deliberations, such an act may amount to misconduct which may attract disciplinary action.

### **1.7 Relationship between Court Employees and Court Users**

Court employees are likened to gate keepers in the temple of justice as they serve as the first point of contact to the public. Their attitude and conduct towards court users mirrors the image of the judiciary in the eyes of the public. The view of the public on the court is usually informed based on the reception they entertain from the court employees when accessing the court. Therefore, good and courteous reception may improve public access to court while negative attitude may discourage court users to freely lay their complaint or even decline to access the court. This defeats the end of administration of justice entirely. In this regard, Rule 2 (c) of CCCE prohibits partial treatment in all forms. The rule provides that a court employee shall not discriminate any court user on the basis of or display of words or conduct, a bias or prejudice based upon tribe, religion, colour,

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<sup>11</sup> Supra

<sup>12</sup> Cap T -20 Laws of the Federation of Nigeria, LFN. 2004

<sup>13</sup> Section 9(6) Labour Act Cap L- 1 Laws of the Federation of Nigeria, LFN.2004

<sup>14</sup> Kanyip, B.B. Op cit p.6 . See Basil Ositadinma Mbanefo & Ors V Judicial Service Commission of Anambra State. Unreported Suit No. NIC/EN/07/2009, Delivered Judgment on 30th June, 2011

nationality, gender or other protected group (disabled, sick people, birth circumstance e.t.c), in the conduct of service to the court or public. This extends to other social status i.e people with social standing, who may attract preferential treatment or services over and above others. And also, the court employee, in carrying out his responsibilities to the public, has to act, without any incentive, in timely, impartial, diligent and courteous manner. By so doing, the court employee should treat everyone with the same courtesy and respect without unnecessary preferences.

### **1.8 Style of Leadership to Enhance Good Relationship between the Heads of Court and Court Employees**

The court leadership should live above board and unassailable in terms of character, probity and discipline. They should adopt a pace setter model of leadership where they lead by example “come with me approach”. By so doing, they would be able to mobilise, wilfully, court employees towards achieving a desired objective. They should be emphatic with conditions of their subordinate staff. Welfare of staff wins loyalty and commitment of staff to work harder. They should also be tolerant and patient to guide and inform staff about policy direction of the court leadership. This, in the end, would build a strong workforce that will sustain good policies in court administration. However, circumstances may arise where the leadership may have to wield an iron fist in order to address a particular situation accordingly. Consultations through regular meetings would be helpful and go a long way in terms of engaging staff in policy implementation. This engagement would carry them along to buy into or have the ownership of the decision, plans or implementation of policies without much defiance.

Administering disciplinary measures is onerous task the heads of court has to contend with in order to keep control of recalcitrant court employees and maintain discipline. If the head of court goes too hard, he will be disparaged, if he goes too soft, laxity and indiscipline will breed in, thus he has to steer a middle course. No doubt, these disciplinary procedures are extreme measures to be taken by the heads of courts mostly against unruly behaviour,

repeated or serious misconducts of the erring court employees in order to keep order and maintain discipline within the service. Therefore, if there is a harmonious working relationship between the heads of court and court employees by complying with the Code of Conduct, showing commitment and good attitude to work and cooperating with the leadership of court, disciplinary measures will remain in the books and this will enhance efficient administration of justice.

### **1.9 Tips for Court Employees to Improve Good Relationship with the Heads of Court and Superior Officers**

1. Understand and appreciate the role of the Head of Court and superior officers irrespective of tribe, gender or age.
2. Carry on task assigned to you by Head of court or superior officers promptly and report back as soon as possible.
3. Get the approval of Head of Court or superior officers on official decisions and actions.
4. Admit mistake and apologise accordingly.
5. Be truthful, honest and open in your official undertakings.
6. Win confidence of the Head of Court or superior officers by hard work, diligence and effectiveness on assigned duties
7. Do not divulge confidential information or disclose private affairs of superior officers in and outside the court.
8. Always seek for guide on instruction that is not clear to you

### **1.10 Tips for Court Employees to Enhance Good Working Relationship with Colleagues**

1. Be emphatic- put yourself in someone else's shoes and behave in a way that shows you care, you value other people's perspectives, time and space.
2. Treat colleagues with kindness, respect and courtesy. Learn to say "Please" "Sorry" "Thank you" "Excuse me" in appropriate situations.
3. Treat your colleagues with respect; do not stereotype people based on their gender, religious belief, political view or inclination, social background, cultural difference or club membership.
4. Do not overcrowd your colleague's office space with your personal visitors. Make sure you clean up after use and do your part to keep it clean. Do not litter your office surroundings.
5. Be a good listener to your colleagues and court users. When you are talking to your colleagues or attending to court users, make them feel at ease to express themselves, don't interrupt them or show a care free attitude to their concern. Listen more intently and respond accordingly. Be in charge of emotions even when you are provoked.
6. Disagree respectfully when there is need to do so. Avoid vulgar or insulting words in whatever form when you disagree.
7. Avoid gossip, it is a bad habit that leads to unwanted fisticuffs. Politely object to start or continue such discussions even if there is justification; or the person gossiped about has actually done a bad thing before.
8. Do not pass on task assigned to you for others to do.
9. Cooperation and respect creates successful relationships amongst staff.

### **1.11 Conclusion**

For any court system to meet its constitutional mandate and public yearning for justice, depends on the degree of confidence which the people repose in the Judiciary. Therefore,

for the heads of court to succeed in attaining efficient administration of justice; just, fast and responsive to the grievance of the litigants, the court employees have to support and cooperate with the heads of court by discharging their duties passionately. It is my hope and of course, sustained prayer, that as we have just moved into the era of change, we will have the grace to inspire the confidence of the people in the court system, by our commitment to work, honesty, impartiality and probity to sustain the respect of even those who lost in any law suit in our courts.

Thank you for Listening.