

**TOPIC**

**CODE OF CONDUCT FOR JUDICIAL  
LIBRARIANS AS COURT EMPLOYEES**

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## **PREAMBLE**

Foremost, let me give gratitude to the Almighty God, the Creator of heaven and earth and the giver of life for making it possible for me to stand here today, before this august gathering to present this paper. Let me sincerely appreciate and express my gratitude to My Lord, the Administrator and Chairman, Internal Education Committee of the National Judicial Institute, Hon. Justice R.P.I. Bozimo, OFR and the entire members of the Management Committee and that of the Internal Education Committee of the National Judicial Institute, for finding me worthy of standing before you today. I remain eternally grateful for this wonderful opportunity, as it is always an honour and privilege to be called upon to contribute to the development of continuing judicial education and I sincerely hope that my modest effort in highlighting the importance of the Code of Conduct for Judicial Librarians as Court Employees will go a long way in strengthening your understanding of the Code; perhaps your abiding faith in its provisions may aid you in meeting the expectations of the judiciary, the court users and indeed the humanity at large.

I must say, the theme of this workshop, Repositioning Judicial Libraries to meet the Challenges of Administration of Justice, has been carefully choosing and it is my conviction that this topic will further deepen the understanding of judicial librarians regarding their needed and expected inputs towards meeting challenges in the administration of justice, especially at the grass root courts.

The judicial librarian workshop is a biennial event on the calendar of programmes of the National Judicial Institute, as such I will consider it a privilege to have been nominated to participate in the 2017 workshop and it is for this reason and many others that I will urge you all to pay rapt attention during the course of this presentation, as I am sure that we

have a lot to benefit there from, you will also be given the opportunity to contribute and possibly share your experiences with us during the Commentary/ Question/Answer session.

### **Introduction:**

Public office is a trust, and public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, loyalty and efficiency, act with patriotism and justice.

Therefore, court personnel, from the lowliest employee to the Chief Registrar or any position lower than that of a Judge or Justice, are involved in dispensation of justice, as such parties seeking redress from the courts for grievances look upon court personnel which includes judicial librarians as part of the Judiciary. In performing their duties and responsibilities, court employees serve as sentinel of justice and any act of impropriety on their part immeasurably affects the integrity and dignity of the Judiciary and the people's confidence in the court system.

It is imperative to note that there are statutory provisions and civil service rules governing the conduct of government officials and employees, in addition, there are certain rules of ethical conduct that are specific to personnel in the Judiciary because of the special nature of their duties and responsibilities. These sets of rules are contained in the Code of Conduct for Judicial Officers and the Code of Conduct for Court Employees. However, prior to the codification of the Code of Conduct for Court Employees, judicial Institutions and its administrators only rely on unwritten code of ethical behaviours in administering the conduct of court employees. The judiciary also had recourse to the Code of Conduct for Public Officers as set out in the Fifth schedule of the Nigeria Constitution. But with the adoption of the Code, the standard of

conduct expected from court employees and staff of the Nigerian judiciary is now clearly specified.

Be that as it may, the essence of this presentation is to focus our attention on the Code of Conduct for Court Employees, promulgated into law in March 2004 being the primary document that prescribes the standard of ethical conduct for court employees in Nigeria and looking at the phraseology of this topic, it is quite evident that I am restricted to discussing the rules of *Code of Conduct* as it relates to attitudinal change of judicial librarians, as to reposition judicial libraries in meeting best global practices in administration of justice.

## **Conceptual Clarifications**

### **Code of Conduct**

Wikipedia defines a code of conduct as “*a set of rules outlining the social norms, rules and responsibilities of, or proper practices for, an individual, party or organization*”.

### **Judicial Librarian**

Law librarianship, especially the librarianship in judicial institutions, is different from librarianship in any other discipline. This aspect is more appropriately explained by Prof. Igor I. Kavass, when he says that “the reason for law libraries being different from other types of libraries is that they serve a profession which is literally unable to exercise its work without the use of books.”<sup>1</sup> While Librarians in other organizations may convince their users to give them some time for catering to their information requirements, a court librarian has to furnish the desired information at once because the case is being argued in the Court and desired information is needed in the course of the argument. So a law librarian has to provide the information instantly without any excuse. Because of this reason, a law librarian has to be a very alert professional

and must develop his or her own tools and expertise to provide the desired information instantly.

The relationship and position of the law librarian to other heads should be defined by written policy. In the judiciary the law librarian should rise to the position of a Director of Library Services directly responsible to the Chief Judge.

The law librarian should be recognized as part of the management team of the judiciary where it is established and should participate in policy making that affects library operations.

The law librarian should initiate or take part in all planning and implementing decisions that affect the law library. Illustrations of such activities include the decisions to: Develop and administer the library budget, Build a collection to meet the court system, Participate in library or related information networks, Coordinate implementation and upgrades of the library Computer network, perform all administrative functions required of the library, Maintain the physical plant and manage all other library operations.

### **Judicial Libraries/Functions**

Libraries generally are acknowledged institutions for information and knowledge dissemination, while Law libraries are specifically designed to provide materials to enhance legal information provision for education, research, and practices. Generally, it has been observed that law books are law practitioners' and judicial officers' tools of trade and facility to enhance their professional competence, as there is no class of professional or otherwise as dependent upon books as judges, lawyers, legal minds in academics and law students. There is no library of any kind or nature which so directly pertains to the interest which it is designed to serve as the law library. The legal books are tools without which this class of professionals can't do without if they are to earn a living on the bench or as lawyers.

Judicial libraries are law libraries found within the court premises. They are often referred to as court libraries. They are established to serve the

judicial arm of government. They serve the judges, magistrates and practicing lawyers in the preparation of cases and justice dispensation.

These court's libraries includes the Supreme Court, the Court of Appeal the Federal and States High Courts, the FCT High Court, the National Industrial Court, the FCT Sharia Court of Appeal and those in the States, the FCT Customary Court of Appeal and those in the States and all other courts.

The basic function of the libraries is to acquire and provide basic law materials in print and non print formats for research to enhance quick and efficient justice administration by the courts. The libraries should be stocked with basic materials normally listed under library holdings.

### **Preamble to the Code of Conduct for Court Employees**

Dispensation of justice as we all know is the basic responsibility of the judicial arm of government as embedded in section 6 of the 1999 Constitution of the Federal Republic of Nigeria. This is a sacred task that can be performed only by the judicial arm of government, and it is on this premise that I will ventilate the 'Preamble' in the Code of Conduct for Court Employees of the Federal Republic of Nigeria.

As pointed out earlier, prior to 1<sup>st</sup> of March, 2004, the Nigerian Judiciary had no written code of conduct for the court employees, but with the codification of the code, its objective, as captured in its preamble clearly provide as follow:-

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:

Permit me to add that, other than the ‘Code of Conduct for Court Employees’, employees of the courts are also bound by the provisions of the Code of Conduct for public officers as spelt out in the fifth schedule of the 1999 Constitution of the Federal Republic of Nigeria, which provides for the establishment and maintenance of a high standard of morality in the conduct of government business, and to ensure that the actions and behaviour of public officers conform to the highest standards of public morality and accountability.

The two codes of conduct are intended to guide the court employees in the performance of their official duties, thereby prescribing standards, below which they must not drop.

***(i) Applicability of the Code of Conduct for Court Employees***

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 Judiciary 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***

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

**RULES OF CODE OF CONDUCT FOR COURT EMPLOYEES**

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;

Use the resources, property and funds under his official control judiciously, transparently and solely in accordance with prescribed financial regulations and other applicable rules.

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.

Not place himself under any financial or other obligations to outside individuals or organisations that might influence the performance of his official duties.

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;

Speak to the media or grant interviews in his personal capacity as a free citizen in a way that may be injuries to the collective integrity of his employment.

Disclose to any unauthorised person any confidential information which may have come to his knowledge in the course of his employment.

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 expenses, 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 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**

### *Associations*

A Court Employee shall

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.

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

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 of public.

Carry out his responsibilities to the public in a timely impartial, diligent and courteous manner.

### *Guidelines*

Rules 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.

Rules 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

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.

Solicit, request or accept any compensation or fee beyond that received from the employer for work done in the course of his duty.

Use the resources, property and funds under his control for purposes other than those for which they are meant.

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.

Engage in any type of trade or business in court premises during office hours, or encourage others to do so.

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.

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 or 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:

Personal gifts or benefits from relatives or personal friends to such extent and on such occasions as are recognised by custom.

Books supplied by publishers on a complimentary basis.

A loan from lending institution in its regular course of business on the same terms generally available to people who are not Court Employees.

A scholarship or fellowship awarded on the same terms applied to other applicants.

### *B. Conflict of Interest*

A Court Employee shall not

Put himself in a position where his personal interest conflicts or appears to conflict with the interest of the Court.

Engage in any business which may conflict or appear to conflict with 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 utilising 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

Attend to all enquiries from lawyers, litigants and members of the public with the utmost courtesy and without employing foul or indecent language;

Carry out promptly any official directive or instruction from a superior officer and be committed in the discharge of his duties;

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;

Be punctual to work and not absent himself from duty without leave or permission from his superior officer, first sought and obtained;

Be formally dressed while on duty and avoid all forms of inappropriate and indecent dressing; and

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 these reflect upon not only themselves, but 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**

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.

## **IDEAL BEHAVIOUR EXPECTED FROM AN OFFICER OF THE COURT**

Below are some of the behaviours that public officers are encouraged to emulate.

*(i)DISCRIMINATION*

A public officer is not expected to discriminate against any citizen on the grounds of place of origin, sex, religion, status, ethnic or linguistic association. This is clearly stated in Nigeria constitution, which commits the state to the ideals of national integration. As instruments of state policy, public officers are expected to set the highest examples in pursuing these noble objectives.

*(ii)DISCIPLINE*

This is the hallmark of a responsible public officer. Strict adherence to the rules and regulations of the public service is a must for a court employee. As a judicial librarian, it is imperative that you comply with the Code of Conduct and ensure that subordinates do the same.

*(iii) LOYALTY*

Loyalty should be an integral part of the behaviour of an employee of the court. This implies faithfulness to the nation and the judiciary, as it would be seen as being supportive of the aims for which one is employed.

*(iv)HONESTY AND TRANSPARENCY*

These should be cardinal principles for any individual holding public office, and should always be demonstrated in conducting official duties and in dealing with members of the public. This means that court employee(s) should be conscientious on duty. All their actions must be clear and self-evident. Judicial Librarians should not demand or receive anything in return for the performance of official duties.

(v) *ACCOUNTABILITY*

A public officer should display responsible stewardship for all items, money, materials, books, literatures and men placed under his supervision. This implies that all government property entrusted with a Public officer should be properly accounted for viz strict adherence to the civil service rules, financial regulations and all other circulars pertaining to the disbursement, management and reporting on same.

(v) *RESPECT FOR CONSTITUTED AUTHORITY*

A court employee should at all times show unqualified respect for constituted authority and the country at large.

(vii) *PUNCTUALITY AND ABSENTEEISM*

Court employees should endeavour to be punctual at their place of work and should not absent themselves from work except on official approval.

***Conclusion***

Having clearly reviewed all the rules of the Code of Conduct for Court Employees, it is crystal clear that the code cannot possibly predict every moral quandary and moral choice that may arise in the discharge of court employee's day to day professional responsibilities. It is therefore recommended that 'personal' interpretation of Code of Conduct for Court Employees can also be applied, if, when and where such situation may arise.

The Former *Chief Justice of Nigeria, Hon. Justice Mahmud Mohammed GCON, FNJI*, at the opening ceremony of the *National Workshop for*

*Secretaries, Court Registrars, Process Clerks and Bailiffs on Ethics and Corruption* said and I quote:-

“The performance of Court employees either positively or negatively impacts the effective, efficient and expeditious dispensation of justice...the Code of Conduct for Court Employees must therefore be imbibed by all court employees across the country, as it specifically spells out the way and manner the court employee would be expected to conduct themselves within and outside the workplace.”

On a final note, I will leave you with the word of BELGORE, JSC as he then was, in *Okike v. LDPC* (2005)3-5 S.C. 49 at 68 and I quote “Law is the mother of all professions; it is a living and constantly producing mother and she must not be allowed to be sick. Sickness in legal profession is the act of indiscipline whether due to outright unbecoming act or corruption or fraud. Every situation, just like every person, is under the law and if the law is sick then the rot will quickly take over our society. It is for this reason that legal practitioners must be able to clear indiscipline within their rank with dispatch and effectiveness”. In the real sense the declaration above is not limited or restricted to the legal practitioners, its also applicable to you and me as officers in the temple of justice, as we can not and must not allow the ‘Law’ to be sick as the mother of all professions.

I thank you all for listening.

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