

A PAPER PRESENTED BY HON JUSTICE P.O NNADI CHIEF JUDGE OF IMO STATE AT A TWO DAY ROUNDTABLE FOR HEADS OF COURTS HELD AT THE NATIONAL JUDICIAL INSTITUTE ABUJA FROM 8TH TO 10TH APRIL 2019.

TOPIC: RELATIONSHIP BETWEEN HEADS OF COURT AND OTHER JUDGES AND STAFF.

1. OPENING:

I will start firstly by thanking the Almighty and merciful God who gave us life and good health to be present at this two day roundtable interaction for heads of Courts in the Country and prays that He continues to guide, bless and prosper us in all our legitimate endeavors.

I will secondly express my sincere gratitude and appreciation to The Honourable Justice I.T. Muhammad JSC, FNJI the Acting Chief Justice of Nigeria, the Education Committee of the National Judicial Institute, the amiable and indefatigable Administrator of the National Judicial Institute, The Honourable Justice R.P.I Bozimo, OFR and her team of dedicated staff of the National Judicial Institute for giving me the singular opportunity and privilege to present this paper for discussion at this high powered roundtable interactive session.

2. INTRODUCTION:

The choice of the topic of this paper **“Relationship between Heads of Court and other Judges and staff”** could not have come up at a better time than now, when the Judiciary and the reforms in the justice sector and administration are at the front burner and in the public domain and discourse on the importance of expeditious disposed of cases in our courts. The office of the Head of Court and that of Judges of every superior Court of record are set out in the Constitution of the Federal Republic of Nigeria 1999 as

amended. Although the various sections of chapter VII of the CFRN 1999 dealing with the Judicature did not use the phrase “Head of Court”, however the use of the phrase “Head of Court” appeared in S121 (3) CFRN 1999 which provides as follows “**(3) Any amount standing to the credit of the Judiciary in the Consolidated Revenue Fund of the state shall be paid directly to the heads of the Courts concerned**”. The interpretation section of the Constitution of the Federal Republic of Nigeria did not define the phrase or term “**Head of Court**” but literally speaking refers to those at the helm of affairs and in charge of the operations and administration of the Courts concerned.

A comprehensive list of these courts and their heads as established and provided for in the CFRN 1999 as amended are set out as follows:

| S/N | NAME OF COURT | HEAD OF COURT | SECTION OF CFRN 1999/ACT/LAW |
|-----|--|----------------------------------|--|
| 1 | Supreme Court | Chief Justice of Nigeria (C.J.N) | S230 (2) (a) |
| 2 | Court of Appeal | President (P.C.A) | S237 (2) (a) |
| 3 | Federal High Court | Chief Judge (CJ) | S249 (2) (a) |
| 4 | High Court of the Federal Capital Territory, Abuja | Chief Judge (CJ) FCT. | S255 (2) (a) |
| 5 | National Industrial Court of Nigeria (NICN) | President (PNICN) | Amendment/Alternation of the CFRN (1999) |
| 6 | Sharia Court of Appeal FCT (SCA, FCT) | Grand Kadi (GK) FCT | S 260 (2) (a) |
| 7 | Customary Court of Appeal FCT (C.C.A) | President (PCCA) | S 265 (2) (a) |

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|----|--------------------------------------|---------------------|---------------|
| | FCT) | | |
| 8 | High Court of a State (HCT) | Chief Judge (CJ) | S 270 (2) (a) |
| 9 | Sharia Court of Appeal of a State | Grand Kadi (GK) SCA | S 275 (2) (a) |
| 10 | Customary Court of Appeal of a State | President (PCCA) | S 280 (2) (a) |

It is pertinent to state that the above listed courts are the Superior Courts of record established by the Constitution of the Federal Republic of Nigeria 1999 as amended and altered. In terms of the composition of each of these courts, the CFRN 1999 as amended made elaborate provisions for other justices (SC & CA) and Judges of the Courts, their jurisdictions and modes of appointments of the Judicial officers concerned.

It is also important to state that both the head of court and Justices or Judges of the Court concerned all sit and adjudicate on matters within the jurisdiction of that Court. It is in this regard that it said that the **“head of Court”** is only **“first among equals”** in that Court. This equality as far as it can go only relates to and concern matters and causes on which that Court can hear or determine whether on original or appellate jurisdiction. However this seeming equality does not apply to certain matters within the exclusive jurisdiction of the Chief Judges in matters of application for grant of probate or letters of administration and their standing in order of precedence in the Court. In addition, the heads of Court exercise supervisory and administrative roles over judges of a particular court and it is in this regard that the relationship between the heads of court and other judges become more vividly and transparent or noticeable in the judicial administration of the courts.

Besides the Constitution of the Federal Republic of Nigeria 1999, there are Federal and State Laws or enactments/legislations dealing with the positions of the Heads of Courts, Judges, Chief Registrars, Deputy Chief Registrars and other sundry staff of the court concerned. It is in the

exercise of these adjudicatory, administrative and oversight roles that some friction or misunderstanding occurs between the heads of courts and Judges and staff of the court.

The highlights and broad summary of the areas of the relationship between the heads of courts and judges and other staff of the courts are stated below.

(3). Adjudicative Relationship as provided by Law

- Heads of Court – 1999 CFRN (as amended) & enabling laws
- Chief Justice of Nigeria (C.J.N) S 230 (2) (a) CFRN 1999
- President Court of Appeal (PCA) S 237 (2) (a)
- Chief Judge Federal High Court S 249 (2) (a)
- Chief Judge High Court of the Federal Capital Territory (CJ, FCT) S 255 (2) (a)
- President National Industrial Court of Nigeria (P.N.I.C.N)
- Chief Judge, High Court of a State (CJ) S270 (2) (a).
- Grand Kadi, Sharia Court of Appeal of FCT/State (GK, SCA) S260 (2) (a)-S275 (2) (a)
- President, Customary Court of Appeal of the FCT/State (PCCA) S266 (2) (a)-S280 (2) (a)

(4). Administrative Relationship (with Judges)

- Assignment of Judges to Courts/Divisions and Panels.
- Assignment of cases to Judges, Courts & Panels.
- Transfer of Judges & cases from one Court to another.
- Handling Petitions for transfer of cases from one court to another
- Handling applications for assignment orders in part heard matters to enable a Judge continue and conclude a pending matter before his transfer.
- Assignment of quasi-judicial functions and duties to Judges i.e Judicial Commissions; Investigative Panel etc.

- Appoint Judges to Local Government Election Petition Tribunals
- Recommend Judges for Domestic and International Conferences
- May initiate disciplinary proceeding against Judges or act as channels of communication to and from Judges on Petitions from the JSC & NJC usually under flying seal (u.f.s).

(5). Administrative Relationship with Magistrates and other Staff.

- Supervise the appointments of Magistrate etc ie CR's DCR's, Magistrate, Registrars, Bailiffs, Clerks etc by the JSC.
- Assign Duties to CR's & DCR's
- Assign/Transfer of Magistrates to Courts in Magisterial Districts
- Assign/Transfer Judges to Area Courts where applicable.
- Assign/Transfer Judges to Sharia and Customary Courts as the case may be.
- Transfer cases from one Magistrate Court or District to another.
- Entertain Petitions against staff of the Court concerned
- Set policy directions to all staff of the Court concerned.

(6). Oversight Relationship with Judges and Staff

- Monitor the performances of Judges in relation to case management and disposal of cases.
- Vetting of the performance evaluation returns of Judges made quarterly to NJC. (statistical data analysis)
- Attendance to meetings of the JSC (statutory member) and NJC (when appointed as Non-statutory members).
- Presiding over meetings of Administration of Justice Committee for the States and FCT.
- Visit to prisons by Chief Judges of States and FCT.

(7). Areas of Conflicts.

- Appointment of Judges and recommendations from Judges of the Court concerned.
- Assignment of cases and preferential treatment.
- Assignment or posting of Judges to Courts, Divisions and Panels of the Court concerned. (some Judges grumble over postings)
- Control Funds of the Courts from State. (S121(3) CFRN 1999)
- Control funds of Courts from NJC e.g Overheads for Judges Chambers and Panels of Judges. (see relevant NJC's Circulars
- Provision/furnishing of official quarters
- Provision of official vehicles.
- Refusal to obey or carry out lawful official directives from Heads of Court
- Indiscipline and disrespect to constituted Authority
- Nominations to conferences both Domestic and International
- Access to Heads of Court Judges and Staff – in some Jurisdictions Judges, CRs and Magistrates have to fill forms to see Heads of Court. There is CJN's circular condemning such practices by some Heads of Court.
- Interest in cases before the Courts on the part of Head of Court or Judges.
- Preference or choice of particular staff to work with
- Maintenance/repairs of Courts, official quarters and vehicles/plants.
- Harassment/intimidation of Judges/workers.
- Handling of probate matters and intermeddling with funds accruing there from.
- Implementation of Judicial reforms and policies from within and from NJC/NJI eg eradication of unethical and unwholesome practices in the courts by staff etc. For example **RULE 11 of revised code of conduct for judicial officers of the Federal Republic of Nigeria provides as follows:**

"Responsibility in regard to discharge of administrative duties.

- 11(i). 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.*
- (ii). A Judicial Officer should require his staff and other court officials under his direction and control to observe the standards of integrity and diligence that apply to him.*
- (iii) A Judicial Officer on becoming aware on 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.*
- (iv). In the exercise of his administrative duties, a Judicial Officer should avoid nepotism and favouritism.*
- (v). A Judicial Officer must refrain from engaging in sexual harassment.*
- (vi). A Judicial Officer shall not be a member of a Tenders Board or engage in the award of contracts".*

(8). Solutions/Recommendations

- Must be patient, considerate and transparent in Judicial Administration.
- Treat Judges and other staff fairly and with respect
- Judicious use of available funds to address urgent competing needs of Judges and staff.
- Provision of necessary facilities for the courts to enhance administration of justice.
- Capacity building through nominations and sponsorship for conferences and workshops for Judges and staff.
- Allow Judges to make use of overheads from NJC for their courts.

- Consultation with Judges on major issues and matters concerning Court administration
- Division of labour among Judges and staff of Courts.
- Provision of official vehicles and furnished quarters for Judges and deserving staff.
- Monitor the welfare and health conditions of Judges and staff.
- Organize periodic meetings of Judges, magistrates and other staff as the need arises. (eg conference of Judges/welfare scheme)
- Encourage exceptional performance of staff by reward system.

(9). Conclusion

From the foregoing, it becomes imperative that the head of any court has a major role to play in ensuring that the administration of Justice and the courts within his jurisdiction flow smoothly and every Judge/staff given a sense of belonging not minding that some persons by their nature and disposition may be incorrigible and not easily amendable to discipline but firmness on the part of the head of court cannot be compromised.

The head of court must be a role model to the Judges of his court and staff alike and must uphold the philosophy that he is expected to **“leave the place or court better than he met it”**

May the good Lord grant every head of Court the wisdom and courage to change things in his Court for the good of everybody in the court and better service delivery to all court users.

I thank everyone for listening and may the Almighty God bless you all.

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