

ENSURING CORDIAL RELATIONSHIP BETWEEN JUDICIAL ADMINISTRATORS, HEADS OF COURTS AND OTHER JUDICIAL OFFICERS, BEING A PAPER DELIVERED BY MR SHEHU USMAN MUHAMMAD, mni DIRECTOR OF ADMINISTRATION, SUPREME COURT OF NIGERIA, AT THE NATIONAL WORKSHOP FOR CHIEF REGISTRARS, DEPUTY CHIEF REGISTRARS, DIRECTORS AND SECRETARIES OF JUDICIAL SERVICE COMMISSION/COMMITTEE, ON TUESDAY 3RD SEPTEMBER 2019

PROTOCOL

Permit me to express my sincere gratitude and deep appreciation to the Administrator of the National Judicial Institute, Hon. Justice R.P.I. Bozimo, OFR, the chair and members of the Education Committee of the Institute, as well as the Management for giving me the rare and distinct privilege of delivering a paper at this important Workshop.

I consider it, a special honour to be asked to deliver a Paper which seeks to examine the ways of ensuring cordial relationship between Judicial Administrators, Heads of Courts and other Judicial Officers in our various courts. As a member of the judicial administration of the Supreme Court and an avid observer of general administration within the Nigerian Judiciary for a number of years, I have had cause to experience first-hand the ill effects of a lack of cordiality among key players in the administration of justice and the sense of victimisation, trauma and lack of interest that develops when the atmosphere of the Court is tainted by a feeling of discord among the key actors in the administration of justice. I have also witnessed the positive impact of cordiality in the administration of courts when there is a sense of purpose, direction and commitment in the leadership, matched by high morale among the administrators which lead to the creation of an enabling environment for speedy and efficient dispensation of justice.

1.0 INTRODUCTION

Proffering an all-encompassing solution to the problems bedevilling the Judiciary and administration of justice presents any discussant with a difficult task given the diversity of our jurisdictions. However, I believe that we all share one overriding

objective of providing a speedy and efficient dispensation of justice in our Courts. Most of us may believe that this involves the latest equipment, / technology, more personnel or different initiatives, which often ignore the importance of administrative principles of team spirit, teamwork, cordiality, efficiency and effectiveness, which are oiled by the level of cooperation and positive understanding between and among the various actors in judicial administration in any Jurisdiction.

1.1 DEFINITION OF TERMS

In order to attempt to examine ways in which cordiality can be achieved by the principal actors in our courts, it is desirable to preface the subject matter with a look at the key terms that frame the Paper.

1.1.1 CORDIALITY

The Cambridge English Dictionary defines cordiality as being a behaviour that is friendly, but formal and polite.¹ Cordiality stands at the heart of any successful and lasting relationship be it professional, personal, contractual or consensual.

It is widely, accepted that the primary importance of a cordial relationship between the Head of Court, Judicial Officer and Judicial Administrator, is that it leads to a positive work environment. One tends to enjoy his/her work if he/she has people around whom they can trust. On the contrary, where there is discord in this relationship, then the work environment of the Courts would become tenuous thereby making progress tougher.

Through cordiality, the right feedback can be given when required at the right time, and the right amount of knowledge can be built. You may agree with me that knowledge sharing is important if the Court is to progress. As Judicial Administrators, we should be quick in passing on the relevant information, so as to fast track decision making by our superior officers.

Cordiality is indispensable to the smooth running of the Courts because unnecessary conflicts and misunderstandings lead to organizational stress. An individual will never be able to deliver his/her level best if he/she is under stress. Stress not only reduces concentration but also affects one's mental peace and health.

¹ <https://dictionary.cambridge.org/dictionary/english/cordiality>

Cordial relationship leads to the coming together of people from diverse backgrounds and varied experiences, on a common platform, to cross fertilize and exchange ideas order to provide solutions to common problems. Cordial relationship leads to organizational harmony and better understanding among superior and subordinate officers. If administrators and heads of court have a cordial relationship with their subordinates, they would always listen to them and strive hard to perform even better. They would ensure that their Court's performance is the best under all situations.

Cordial relationship among employees plays a crucial role in time of crisis. Emergency situations are unpredictable and can arise anytime. However, organizations survive in the long run where employees stand by each other even in the worst situations. It is necessary that people help each other for increased productivity and better output.

Cordial relationship among employees also goes a long way in inculcating a sense of pride and loyalty to the organization, in a cordial environment, people tend to enjoy their work and office, they seldom speak ill of their bosses and concentrate only in productive work. People will be concerned only with quality work rather than wasting their time and energy in backstabbing and criticizing others. Criticism and jealousy are certain negative traits which not only lead to poor ambience at the workplace but also dampen the morale and enthusiasm of members and decrease individuals output.

Having examined the meaning and purport of cordiality, it is desirable to examine the key actors to the process of Judicial Administration and their relations to one another. I will start with the Head of Court, under whose supervision the Court and Judiciary, as the case may be, functions. He or she is the overall head of the bureaucracy and it is to him that the Judicial Administrator ultimately answers.

1.1.2 HEADS OF COURT

Each Court or jurisdiction is headed by a Chief Judge (or Chief Justice of Nigeria in the case of the Supreme Court of Nigeria), President or Grand Khadi, who is conventionally the most senior Judicial Officer in the Court.

It must be noted that the leadership of the Courts is not comparable with the role of the head of any other organization. The Head of the Court has an administrative responsibility in relation to the Court but has no direct authority or responsibility over the judicial work of Judges who are independent of each other and are not subject to any direction in their judicial work. Thus, the interaction is often limited except in

some instances of case conferences in the event of a three-man, five man, or seven man panel of the Appellate Courts.

The Head of Court is typically charged with administrative responsibilities which include scheduling the work of the court, determining where and when the court will sit, and issuing practice directions. This function is mostly provided for, constitutionally, statutorily and by the Rules of that Court. They also hear complaints against judicial staff and administrators in their capacity as the Head of the Court and at times head of the Judicial Service Commissions or Committee (in the case of the FCT and states High Courts).

The Head of Court stands as the leader of the Court and the Chief Executive Officer, while the Chief Registrar is its Chief Administrative/Accounting Officer. As such, the Head of Court is the figure head of all policy, planning and administration activities within the judiciary. Head of Courts are indispensable to the smooth running of their jurisdiction and their action or inaction is critical to the general administration of justice in their Courts.

1.1.3 JUDICIAL OFFICER

The term **Judicial Officer** is typically used to describe the holder of the offices of Chief Justice of Nigeria and Justices of the Supreme Court, President and Justices of the Court of Appeal, the Chief Judge and Judges of Federal Courts, Federal Capital Territory or State High Courts, President and Judges of the National Industrial Court of Nigeria (NICN), the President and Judges of the Customary Courts of Appeal of the Federal Capital Territory and States, the Grand Khadi and Khadis of the Sharia Court of Appeal of the Federal Capital Territory and States and includes the holders of similar offices² in any inferior court whatsoever.²

The powers and jurisdiction of Judicial Officers vary and are only limited either geographically, constitutionally and statutorily. This in turn impacts upon the numbers of Judicial Officers as well as facilities provided for them. It also affects the level of service delivery expected and in turn offered by the administrator.

Judicial Officers are the lynchpin of the courts and as Lord Denning famously opined, ***“the proper role of a Judge is to do justice between the parties before him”***.³ According to philosopher Socrates, the judge is also mandated to maintain among

² Code of Conduct for Judicial Officers, (as amended in 2016)

³ J.L. JOWELL & JPWB McAusland, **LORD DENNING: THE JUDGE AND THE LAW**, P.450

other virtues, one of courteousness. Not only must he or she be erudite but they are expected to be known for decency and politeness in and out of court. Indeed, Hon. Justice J. D. Ogundere, JCA (of blessed memory) noted that ***“politeness should be the hallmark of a Judge”***.⁴

Rule 2(B) of the Code of Conduct for Judicial Officers states that 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”***.

Therefore, a Judicial Officer is an active partner and participant in the smooth administration of the Court, given their relationship with the Head of Court and the Judicial Administrator. They act as a valuable junction between the administrator and the Head of Court and act on behalf of the latter to enforce the overall policy objective of the Court as it relates to their various Courts. Thus, they are a sounding board of policy, an informal body of advisers and the best managers of their spheres of influence being ***dominislitis***. It is clear that relationship between the administrator or Head of Court and the Judicial Officers, is a necessary condition for the smooth running of any Court and speedy dispensation of justice.

1.1.4 JUDICIAL ADMINISTRATOR

Broadly speaking, judicial administration is defined by the Legal Dictionary as ***“the practices, procedures, and offices that deal with the management of the administrative systems of the courts. Judicial administration, also referred to as court administration, is concerned with the day-to-day and long-range activities of the court system”***. Often this bureaucracy is managed by a group of individuals known as Judicial Administrators or court administrators usually organized under the direction of a Chief Registrar who oversees legislative budgets, personnel administration, and court research and planning. Their work also includes:

1. Carrying out the Management of the court’s processes
2. Office Systems and Procedures
3. Purchase of Office equipment and Stationery
4. Purchase of Fixed Assets
5. Staffing
6. Safeguarding of Assets

⁴ Hon. Justice J.D OGUNDERE, THE NIGERIAN JUDGE & HIS COURT, University Press Plc., 1994

7. Public Relations
8. Budgeting and Planning etc.

In addition, Judicial Administrators also traditionally oversee the implementation of budgets, the efficient working of the administrative organogram of the Court, ensuring the performance of duties by all staff employed by the Courts, provision of resources for judicial officers based on need /availability, helping to create the court's calendars of activities under the direction of the Head of Court, and supervising non-judicial personnel, among others⁵. Court Administrators also supervise the filing of court documents, while they maintain a file system of cases and keep records of all final judgments, among others. Court Administrators are also expected to eliminate waste and inefficiency in the courts, ensure diversity of approach to management of the court system, and providing easier access to the courts for members of the public through the Registry.

According to America's 13th Chief Justice, F.M. Vinson, "***effective judicial administration requires the establishment of business like methods***" by the administrator but as we know, the functionality of an administrator is often based on the Head of Court to whom he or she answers. Thus cordiality is very important to the maintenance of smooth working relations between the Judicial Administrator and the Judicial Officers or Head of Court.

2.0 RELATIONSHIP BETWEEN THE JUDICIAL ADMINISTRATOR, HEAD OF COURT AND OTHER JUDICIAL OFFICERS

The Judicial Administrator, in the performance of his duties, is subject to the authority of the Head of Court who superintends over him or her. The Judicial Administrator in turn supervises other staff under him or her authority but in that regard reports to the Head of Court who may also assign some responsibilities directly where necessary.

The Judicial Administrator is a person of many skills. As a sheriff, he is responsible for the enforcement of the Judgments, as image maker, he is responsible for preserving the good image of the Court. He is also the Chief Protocol officer of the Court. The Judicial Administrator in the discharge of his duties has the advantage and privilege of having a very close working relationship with his or her Head of Court and other Judicial Officers. The Judicial Administrator in many circumstances serves as the

⁵https://www.law.cornell.edu/wex/judicial_administration accessed on 18th July 2019 at 21:47

welfare officer for the Head of Court other Judicial Officers, their family members and all the staff of the Court.

The Judicial Administrator must therefore learn to keep the relationship as the Head of Court wants it and learn to perform the act of balancing such that he does not get into trouble. The Judicial Administrator must take note that he serves two masters- Judicial Officers and the Head of Court. However, the natural instinct is to lean towards giving more attention to the Head of Court who is the chief executive officer.

Therefore considering his dicy position, the Judicial Administrator is often dextrous at balancing the needs of both the Head of Court and Judicial Officer, without harming one or the other. However, this is easier said than done considering paucity of funds. Despite this, the Administrator must endeavour to stay on top of his functions while providing a high standard of service delivery, with the required skills and competence.

In the modern judiciary, there are often tensions which undermine cordiality of these key players in judicial administration. Where such challenges arise, it may be needful to seek solutions that may enhance the cordiality in their relationship. This process may have to be initiated by the Head of Court.

3.0 TOWARDS A CORDIAL WORKING ENVIRONMENT: RECOMMENDATIONS

According to Brian Ostrom and Roger Hanson, in their Report *Achieving High Performance: A Framework for Courts*,

“Court leaders are operating in an environment where there is a decline in the trust and confidence citizens have in major institutions, including courts. People are suspicious that courts are not committed to using their tax wisely in support of fair and equal justice”.

These are the barebones of the oft repeated criticism of the Nigerian Judiciary as we struggle to shake off the mantle of conservatism and adopt substantive justice and speedy service delivery. The inherent risk of failure is palpable and the opposition is seemingly impregnable. However, we may all agree that unless there is a crack in the structure of any edifice, it cannot be brought down easily. Similarly, when all three principal actors in the system are at loggerheads, the administrative evolution of the judiciary is bound to be negatively affected.

It is in view of the foregoing development that, some useful recommendations can be put forward in order to draw our attention to the importance of cordiality in our establishments;

3.1. COMMUNICATION:

Efficient and effective Communication must be fostered in order to build cordiality as critical feedback has been the driving force behind many innovations defining how courts do business. Whether through horizontal communication between the Head of Court and his colleagues, or a Chief Registrar and his or her colleagues, or vertically from the Head of Court down to the management, communication is the lifeblood of our courts and a key determinant of their success.

In any atmosphere where communication is absent or inadequate, then initiative suffers and the consequences may be severe. We have witnessed several attempts made to improve service delivery and overcome the common hurdles and criticisms of our Courts through the introduction of technology or other borrowed initiative into the Judiciary. However, it has been noted that part of the limitation of such solutions is that they have been tried without sufficient attention to existing processes and work culture. Insufficient communication and consultation is made with the Judicial Administrators and more often it is a take it or leave it scenario in which the administrator is asked to make sense of a policy which he or she has not had the time to measure against the litmus test of need and feasibility study to see if same can be embedded. This problem seems to be a common one amongst most developing countries, Importation and adoption of technology developed outside the adopting environment present serious challenges especially at the initial implementation stage.

Therefore, it is advisable to involve all the key players/actors in the administration of justice right at the planning stage before any positive innovation is introduced into the Court system.

Effective communication constitutes one of the most pungent evidences of cordiality and is a major contributing factor to a healthy relationship between the Head of Court, Judges and the Judicial Administrators.

It is also important to ensure transparency and fairness at all levels. This means that the best way to communicate is to allow crucial decisions to be taken, where possible, with the input of Judges and administrators. Similarly, the Judges need to

communicate feedback to the Head of Court as to possible amendments to such decisions or to the administrator concerning its implementation. A Judicial Administrator should in turn, be receptive to feedback and not consider same to be an assault on his or her perceived territory of competence. For us administrators, it is important to communicate effectively with our colleagues. We should talk to people around us as it is not advisable to sit in our cabin and pass on instructions over the phone. As a team leader/ manager, court administrator should hold regular formal/informal discussion with his team. Area of disagreement should be thorough discussed, ironed out and dealt with.

No doubt, efficiency requires consistency of high service delivery and this is best achieved when all the principal actors work together. The Head of Court should be the visionary, the Judge must be the prophet of such vision, and the Judicial Administrator must be the priest or custodian of such a vision, nurturing it and adapting it as we evolve. We cannot afford to think of harming others.

As partners in progress, court administrators must endeavour to work with Judges, our Heads of Court and management teams so as to always exchange/ cross fertilize ideas and help each other during crisis, so that the entire jurisdiction would benefit. When the work environment is cordial, members of the organization work with keen interest thereby reducing stress.

3.2. COURTESY

It is a truism that respect begets respect and over familiarity brings contempt. If one was to look at the definition of cordiality, one sees the key ingredient of both formality and politeness. As such, a Judicial Administrator must be courteous and respectful of the Judges and Head of Court, knowing fully well that his bureaucracy is staffed primarily for the purpose of supporting the work that they do in administering justice.

We must not only respect our Judges and Judicial Officers but also respect our fellow court employees. Do not underestimate anyone. At the workplace, every individual is same and working for a common objective i.e. –the administration of justice. We should not misbehave with anyone at the workplace, be it members of the management team or the cleaner in the Court. Fighting and arguing will not only spoil relationship with others but also speak a lot about ones upbringing and family background. We must not seek to tarnish our reputation with one instance of folly or discourtesy.

We need to remind ourselves that courtesy also leave a lasting impression on those who are the beneficiaries of same and I will use a recent event as an example. In statements issued upon the death of Retired Associate Justice John Paul Stevens of the Supreme Court of the United States, his colleague, Justice Clarence Thomas noted that ***“Virginia and I were deeply saddened to learn of the passing of Justice Stevens. In almost two décades as colleagues on the Court, he was an unfailingly collegial, courteous, and kind colleague”***. Justice Samuel A. Alito of the same court noted that ***“I will always remember John Paul Stevens as a warm, engaging, and unfailingly cordial colleague who went out of his way to make me feel at home from my first day on the Court”***. Lastly, the newly appointed Justice Brett M. Kavanaugh opined that ***“Justice Stevens’ contributions to the law are immense and will guide this Court’s decisions for years to come. But for those who appeared before him in court or who sat beside him as judges, the most distinctive Stevens quality was his civility. In court, he treated others with extraordinary respect and established an enduring model of decency and courtesy for all judges and lawyers”***.

It was notable that it was not his agile intellect or legal sagacity that was referenced but the courteousness of the late Justice that stood out as one of the qualities that outlasted his memory. It is clearly a legacy that will outlast any organisational head that puts same into practice.

3.3. CREATING A CORDIAL WORK CULTURE

It was the Englishman William Pollard who stated that ***“without change there is no innovation, creativity, or incentive for improvement. Those who initiate change will have a better opportunity to manage the change that is inevitable.”***An important aspect of ensuring cordiality in the Court is the creation of a cordial work culture and environment that fosters change management. The environment refers to the structure and organogram⁹⁹⁹⁹⁹ of the Court and the culture refers to the type of interaction that the various actors have with one another in achieving the organisational goal set by the Head of Court.

Understanding court culture is critical. Many court reform efforts are based on the belief that any policy can be put in place in any court at any time. In reality, court practices are slow to change. They are conditioned on the past and reflect the influence of informal norms and well-established ways of doing business. The existing culture of judges and managers shapes the application of policies and procedures in virtually all areas of court work. A judge in a leadership position, such as a presiding

judge, is often described as “first among equals” and given limited formal authority to set administrative policy for the court. As a consequence, particular case management practices—even those deemed to be best practices— cannot simply be mandated. Autonomy and individual judicial discretion inhibit agreement on how to best carry out administrative reforms.

Judicial Administrators must realise that proper diagnosis and measurement of court culture can help shape successful strategies for court improvement efforts. Specifically, the degree of solidarity or the degree to which judges and managers pursue common goals is vital to successful court leadership. The challenge for the Heads of Court and the Chief Registrar is to encourage and facilitate collective decision making among individual Judges on what is best for the court as a whole. As a result, by focusing on solidarity and building consensus, a court can overcome the structural impediment which promotes fragmentation and isolation.

A Judicial Administrator must ask himself these questions: what is the orientation of the office? Is it geared towards meeting the policy objectives of the Court and assisting the Judicial Officers in the dispensation of justice? How can a Judicial Administrator be a facilitator of the right working environment?

We can promote cordiality if we set our policies pragmatically and with a view to eliminating those inefficiencies that make us seem like an archaic conservative organization. Allied to this, is the need to always be proactive in predicting and preparing for potential problem areas that can affect the cordiality between the Head of Court and Judges and the administrative section of the Court. Often, these may revolve around the use of scarce resources in the provision of equipment and infrastructure and the welfare of staff, to name a few. Therefore, the ability to promptly deal with issues as they arise can help to create the necessary cordiality and foster a harmonious relationship.

Where needed, a Judicial Administrator must be quick to respectfully draw the attention of the Head of Court to any problem areas in the goals that he or she has set for the Court or Jurisdiction and must consult widely with them in the implementation thereof. Where there is latitude provided by the Head of Court, further consultation with some of the Judicial Officers can help to ensure that the policy is implemented with sensitivity to their needs and the overall ends of justice, which is our overriding objective.

3.4. DEVELOP MUTUAL TRUST OF ONE ANOTHER

The Head of Court and Judicial Officers are not necessarily always your enemies, even though they may make our lives very difficult at times. It is clear that good people are everywhere and one just needs to find them. It is also obvious that an individual cannot work in isolation as one tree does not make a forest. Therefore, difficult or not, we must all learn to trust in one another's abilities. The Head of Court will, however difficult, still need people around to talk to and discuss various issues or problems affecting the Court. However, such discussions must be approached from the core belief that the Head of Court, no matter his or her character, is working in the interest of the Court and by extension the whole institution. Thus, we need to discuss and proffer solutions to such problems knowing where we should draw the line. Be trustworthy, if someone has confided in you, do not discuss with others. It is absolutely unethical to break anyone's trust.

3.5 BE THE SOLUTION NOT THE PROBLEM

Closely related to the above point, is the need for us as judicial administrators to see ourselves as problem solvers. We must begin to be proactive in tackling the problems which we identify as being inimical to our growth as a judiciary. It is similarly important to always provide proactive policy initiatives that will foster cordiality among the various actors in the administration of justice.

3.6 SYNERGY IN PLANNING

Nothing fosters cordiality more than a shared sense of purpose about the common goal and policy objective headed by the Head of Court. This involves comprehensive consultation with the Judicial Officers, Judicial Administrators and Staff of the Court. It also involves a systematic feedback of whatever plans are required in order to move the Court forward in achieving its objective of justice delivery. This will in turn guide the policy planning approach by the Court and provide a sense of belonging among all stakeholders in the Court. This therefore makes the organizational goals clearer to staff and encourages the Head of Court and management to follow through with such policies given its public knowledge.

4.0 CONCLUSION

It was Chief Fidelis Ume, Esq., a lawyer and author of the Book *“The Courts and Administration of Law in Nigeria”* who remarked that *“it behoves us to keep the law aglow for mankind, for mankind cannot do without the Law”*.

Courts are not different from other institutions: It often takes a crisis for the courts to reconsider their existing practices. Despite multifarious threats to the integrity of Courts and increase in the demand for justice delivery, there is a need for an effective response by our Courts to address administrative and policy shortcomings that will enable the system to work more effectively. Unfortunately many courts, rather than innovate, simply react. Therefore, when courts are in reactive mode, solutions tend to be blunt. However, bolder steps must be taken and are often taken in jurisdictions where the key actors work in tandem with one another in the process. Indeed, by contrast, some courts have adapted to their crisis creatively and flexibly with an eye toward preserving or even enhancing the quality of the administration of justice. This requires each actor to be intimately acquainted with its place in the general scheme of administration while learning how to work closely with the other actors in the Judiciary in order to create an efficient machinery of justice delivery.

There is no gain saying the fact that the task of administering our Courts is onerous, requiring great foresight in planning, organising and directing innovative approaches towards achieving seemingly impossible goals of speedy dispensation of justice. It also requires teamwork and a sense of oneness in our Judiciaries. It starts with creating a common harmony of purpose in policy making under the leadership of the Head of Court and also a two way line of communication that is constantly and proactively working to ensure the attainment of the overall ends of justice.

However it may be agreed that, positive work culture cannot be achieved in a vacuum. It must be fostered by the presence of a professional, polite and cordial atmosphere that promotes engagement between the Head of Court and his fellow Judges via a horizontal feedback process, as well as via a vertical approach through the Judicial Administrator and down to the management and then heads of unit and so on.

In any formal organisation, there exist a system of rules, regulations and procedures that guide and regulate the actions, reactions and interactions of members either as individual or as a group. Therefore, the pattern of relationship of the members which is usually defined by the laid down procedure, play a very significant role in the determination of the success or otherwise of the organisation. Even though

adherence to the laidown rules and procedure helps to regulate the conduct of members, the nature of inter personal relationship established between superior and subordinate officers strongly help in shaping the organisational culture already established, by the laid down procedure. While cordial relationship lead to the establishment, entrenchment and sustainance of positive work culture, acrimony in any form, usually impact negatively on any organisation and may lead to its eventual collapse.

I believe that where there is mutual respect and regard for the contribution of the administrators, the Heads of Court and indeed Judges can be better served in a manner that is both positive and impactful on justice delivery. Cordiality helps us to achieve this and keep a happy, well-motivated cadre of staff that are more responsive to the demands of the job and requirement of their superiors and Judicial Officers whom they support. As Aristotle said over three thousand years ago ***“We become just by performing just actions, temperate by performing temperate actions, brave by performing brave actions.”***

I thank the Administrator of the National Judicial Institute and the Management for this opportunity to address this distinguished gathering. I also must extend my gratitude to my colleagues for your rapt attention and wish all of us a fruitful deliberation on this topic and others to come in the course of the Workshop.

Thank you