***Courtroom Decorum:***

***(1) Synergy/Relationship between the Bar and the Bench***

***(2) Synergy between Judges and Staff of the Court***

***BY***

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**GRATITUDE:**

Let me start this presentation by firstly expressing my sincere gratitude to the Hon. Chief Justice of Nigeria and Chairman Board of Governors of the National Judicial Institute (NJI), Hon. Justice Olukayode Ariwoola, GCON, the Administrator of the National Judicial Institute (NJI), Hon. Justice Salisu Garba Abdullahi and the Management and Staff of the National Judicial Institute (NJI) for the invitation to present a paper on the above topic at this 2024 Induction Course for newly appointed Judicial Officers of the Superior Courts of Record.

**CONGRATULATIONS:**

To the newly appointed Judges, here in this auditorium, Your Lordships deserve my warm congratulations on your appointment. Your new office gives you an opportunity to serve humanity more and that is a privilege. I wish Your Lordships a successful and fulfilling career on the Bench.

The theme of this Induction Course, ***“Repositioning the Courts for Better Justice* *Delivery”*** and the topic of this paper are apt and salutary given the loud complaint about delays in the courts’ constitutional duty of administration of justice to all and sundry and the apparent diminution of the public confidence and trust in the justice system.

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I commend the leadership of the National Judicial Institute for pursuing the vision and mission of the Institute of providing continuing legal education to judicial officers with a high passion and commitment. This workshop offers judicial officers from different States of our dear Country the unique opportunity of exchange of pleasantries, interaction and intellectual engagement.

1. **INTRODUCTION:**

Courtroom decorum (also termed ‘court decorum’) is essential in the administration of justice. The main objective of this Paper is to examine the synergistic relationships of Judges, Lawyers and Staff of Court in observing courtroom decorum, with a view to engendering public trust and confidence in the Judiciary.

2. **SOME PRELIMINARY CONSIDERATIONS:**

It may be necessary to briefly consider some preliminary issues.

a **DECORUM:**

In its grammatical sense, the word “decorum” simply means “behaviour in keeping with good taste and propriety”[[1]](#footnote-1). The meaning of “decorum” is lucid and can hardly be dogged by definitional problems. The *Black’s Law Dictionary* defined “decorum” in the context of parliamentary jurisprudence, as “the customs of formality and courtesy observed by the members and chair in conducting business”[[2]](#footnote-2)

For purposes of this Paper, the following simple definition may be put forward: “Decorum” as a noun means proper, polite and acceptable behaviour. The word is from Latin, - “*decorus”* meaning “proper, becoming handsome”. The corresponding adjective is *decorous,* meaning “well-behaved in a particular situation”[[3]](#footnote-3). It has been opined that both decorum and *decorous* are often used to describe “behaviour in a classroom or courtroom”[[4]](#footnote-4). Here, the phrase “behaviour in a courtroom” should be noted, as it is the main thrust of this Paper.

b **COURTROOM DECORUM:**

Courtroom Decorumhas nothing to do with the aesthetics or physical structure and condition of the court. It has to do principally with the behaviour of the Judge and learned Counsel appearing before the Judge. According to J. Olakunle Orojo,[[5]](#footnote-5) in his treatment of courtroom decorum and etiquette in the book, **Professional Conduct of Legal Practitioners in Nigeria,** stated as follows:

“The behaviour of the legal practitioner in Court is

governed by certain rules which have developed over

the years and have made relationship between the

Bench and Bar a cordial one, conducive to the administration of justice. Some of the important matters to be borne in mind relate to dress, addressing the Court, general comportment, courtesy, reference to Judges, citing law reports and reference to other counsel[[6]](#footnote-6)”.

Courtroom decorum denotes the formal code of conduct that governs the behaviour and language of Judges, lawyers and litigants in a court of law. It seems attractive to say that “courtroom decorum” is a sub-set of judicial ethics. In other words, judicial ethics and courtroom decorum intersect[[7]](#footnote-7); courtroom decorum is part and parcel (integral component) of the ethical policies of the legal profession. The underlying essence of courtroom decorum is to ensure that lawyers, Judges and litigants conduct themselves with dignity and respect. On the importance of courtroom decorum, an *online* source rightly opined that “maintaining decorum in and around a courtroom is not merely a superficial means of protecting the image of lawyers and Judges – it is absolutely essential to the administration of justice”[[8]](#footnote-8). The sources of courtroom decorum include the *Revised Code of Conduct for Judicial Officers 2016, Rules of Professional Conduct for Legal Practitioners, 2023, Code of Conduct for Court Employees[[9]](#footnote-9) and the High Court Civil Procedure Rules of the various States of the Federation, for example, High Court of Rivers State (Civil Procedure) Rules 2023, Order 52* thereof. These procedural laws (soft laws) and others provide the compass for courtroom decorum in Nigeria.

c **SYNERGY:**

Etymologically, the word “synergy” is derived from Greek word “Synergia” meaning ‘working together’[[10]](#footnote-10). Broadly, “synergy” has been defined as “the combined power of a group of things when they are working together that is greater than the total power achieved by each working separately”[[11]](#footnote-11). The synonyms of “synergy” include ‘alliance’, ‘co-action’, ‘harmony’, ‘symbiosis’, ‘synergism’, ‘union’, ‘unity’[[12]](#footnote-12). In its simplest terms, “synergy” means two or more persons, organizations, *etc* working together (that is, team work) to achieve positive results in areas of common interest.

d **SYNERGY IN A RELATIONSHIP:**

Synergistic relationship happens when two or more people, organizations create a greater contribution together than they would independently. Synergistic relationships are based on co-creating outcomes[[13]](#footnote-13). There is compelling need for the Bar and Bench to have synergy in their relationship with a view to achieving and maintaining high standard of courtroom decorum[[14]](#footnote-14). This proposition can be underscored from the eminent observations of the Court of Appeal in *ORISAKWE & SONS LTD & ANOR V. AFRIBANK Plc,[[15]](#footnote-15) that:*

Counsel appearing before any Court owes a bounden duty to be diligent, treat the Court with respect, honesty and mutual courtesy. Above all, to assist the Court in its avowed bid to dispense justice to all manner of people without fear or favour, ill-will or affection. This much and more should be the focused and targeted goals of both the counsel and the Court[[16]](#footnote-16).

Added to the above are the pertinent views of learned authors, Imam and Egbewole:

… for the two branches of the Bar and Bench to perform optimally in dispensation of justice… observance of the rule of professional ethics as well as mutual respect for each other in term(s) of conduct and utterances is needed[[17]](#footnote-17).

e **BAR AND BENCH:**

The phrase “Bar and Bench” denotes in the legal sense, all Judges (including other judicial officers) and lawyers collectively[[18]](#footnote-18). In this sense, “Bar” refers to lawyers who are members of the Nigerian Bar Association (NBA) and are qualified to practice law. On the other hand, “Bench” represents the Judiciary comprising Judges, Khadis, Magistrates, Sharia and Customary Court Judges, *etc,* who preside over Court proceedings and apply the law[[19]](#footnote-19). It needs be said that Judges and Lawyers (advocates) are cut from the same cloth and have common obligations to maintain order and control in the courtroom in the interest of administration of justice.

**f *SYNERGY/RELATIONSHIP BETWEEN THE BAR AND BENCH:***

A reference to synergy/relationship between the Bar and the Bench is a reference to the dynamic interaction and cooperation between Lawyers (the Bar) and Judges (the Bench) within the legal system.

The said relationship is fundamental to the administration of justice. The maintenance of a respectful and collaborative synergy or relationship or partnership between the Bar and the Bench is crucial for the effective functioning of the legal system.

The key elements in fostering a strong Bar – Bench relationship which will ultimately benefit the legal profession and the individuals seeking justice and society at large are communication, professionalism and mutual respect.

In the legal context, there are differences between the Bar and Bench which are fundamental to the administration of justice.

A tabular representation of the key differences between the Bar and the Bench in the legal context are: -

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | ***BAR*** | ***BENCH*** |
|  | ***Definition*** | *The collective term for Lawyers* | *Refers to the group of Judges* |
|  | ***Role*** | *Advocates who represent clients* | *Judges who preside over cases* |
|  | ***Function*** | *Present cases, argue and defend* | *Hear cases, make legal decisions* |
|  | ***Advocacy*** | *Advocate for clients’ interests* | *Impartial decision-making* |
|  | ***Qualifications*** | *Legal education and Bar admission* | *Legal education and appointment* |
|  | ***Independence*** | *Represent clients’ interests* | *Impartial apply the law* |
|  | ***Engagement in Advocacy*** | *Active in litigation and trials* | *Passive, observing arguments* |
|  | ***Professional conduct*** | *Governed by legal ethics* | *Governed by judicial conduct* |
|  | ***Influence on Outcomes*** | *Influence case presentation* | *Determine case outcomes* |
|  | ***Court Appearance*** | *Appear in court as representatives* | *Preside over court proceedings* |
|  | ***Legal Practice*** | *Engage in legal practice* | *Administer legal proceedings* |
|  | ***Relation to Parties*** | *Advocates for parties’ interests* | *Remains neutral and unbiased* |
|  | ***Decision-Making Power*** | *Limited to persuasion and argument* | *Holds the authority to make decisions* |
|  | ***Legal Authority*** | *No decision-making power* | *Decision-Making authority* |

These differences highlight the contrasting roles and responsibilities of the Bar and the Bench in the legal system, with the Bar advocating for clients and the Bench ensuring the impartial application of the law and making legal decisions.

**3. *BAR - BENCH RELATIONS IN PROFESSIONAL ETHICS: AN OVERVIEW:***

In a democratic system, an independent judiciary stands as a pillar of stability and the legal profession (the Bar) is an integral part of maintaining this stability. The Bench, which includes Judges, reflects the image, character and conduct of these judicial officers. It is often seen as a guiding influence and a mirror that reflects the behavior of Judges.

Those practicing law are an essential component of the justice delivery system and the harmony between the Bar and the Bench is vital for achieving the goals outlined in our Constitution. They are two sides of the same coin, and the administration of justice cannot thrive without unity between them. The integrity of the institution relies on this cooperation.

**4.** **COURTROOM DECORUM: SOME COMPARATIVE PERSPECTIVES:**

At this juncture, we may consider it illuminating to provide example of protocols on courtroom decorum in some foreign jurisdictions. *For example*, the Lewis County District Court, Washington, D.C., adopted the following Courtroom decorum Protocols:

All attorneys, litigants, witnesses and other individuals in the courtroom shall abide by the following rules of conduct:

* Always be prompt. Be in the courtroom ready to proceed at the appointed time.
* Stand when the Judge or Jury enters or leaves the courtroom.
* Do not make personal attacks on the opposing counsel or parties.
* Do not interrupt. Wait for your turn. Address all remarks to the Court. Argument between litigants or their attorneys is not permitted.
* After the Court has ruled, ask the Court’s permission before arguing further.
* Rise when addressing the Court and when making objections as this calls the Court’s attention to you.
* Do not approach a witness or the Jury without asking permission of the Court.
* Dress appropriately to the serious nature of the matters before the Court. Shorts and other kinds of beach apparels are not appropriate. Clothing advertising alcoholic beverages or illegal drugs are not
* appropriate. Hats are not to be worn in the courtroom unless required by religious custom and practice[[20]](#footnote-20).

The above-cited U.S. Lewis District Court Protocols offer a quick glance at key principles of courtroom decorum.

In Nigeria, Bar/Bench Relationship[[21]](#footnote-21) is governed by interlocking Rules from both sides which ultimately create synergy in the administration of justice.

**5.** **ROLE OF A JUDGE IN MAINTAINING ORDER AND DECORUM:**

It is to be noted that **Rule 3.6** of the ***Revised Code of Conduct For Judicial Officers Of The Federal Republic Of Nigeria 2016****[[22]](#footnote-22)*stipulates that “in judicial proceedings, a Judicial Officer should maintain order and decorum”. **Rule 3.7** of the *Revised Code* complements Rule 3.6. **Rule 3.7** provides:

A Judicial Officer should promptly dispose of the business of Court. To achieve this, the Judicial officer is to devote adequate time to his duties, to be punctual in attending Court and expeditious in determining matters in Court. Unless ill or unable for good reason, to come to Court, a Judicial Officer must appear regularly for work, avoid tardiness, and maintain official hours of the Court.

As noted, **Rule 3.6** of the ***Revised Code of Conduct for Judicial Officers*** ethically requires a Judge to maintain order and decorum in judicial proceedings. That is to say that **Rule 3.6** imposes on a Judge the duty to maintain order and decorum in court. The contemplation of Rule 3.6 of *Revised Code of Conduct for Judicial Officers* is that a Judge should be patient, dignified and courteous to accused persons and litigants, assessors, witnesses, legal practitioners with whom he has to deal with in his official capacity and should demand similar conduct of legal practitioners, his Staff and others under his control and direction[[23]](#footnote-23).

A Judge should at all times be guided by the Revised Code of Conduct for Judicial Officers of the Federal Republic of Nigeria in the performance of his duties. By the Preamble in the Code, it is the duty of every Judicial Officer to actively participate in establishing, maintaining, enforcing, and himself observing a high standard of conduct that will ensure and preserve transparency, the integrity and respect for the independence of the judiciary. A judicial officer should be patient, dignified and courteous to accused persons and litigants, witnesses, legal practitioners and all others with whom he has to deal in his official capacity.[[24]](#footnote-24) A judicial officer must avoid the abuse of the power of issuing interim injunctions - Exparte.[[25]](#footnote-25) In judicial proceedings, a Judicial Officer should maintain order and decorum.

**i** A Judge should refrain from descending into the ‘arena’ during the conduct of cases. A Judge should avoid talking too much and possibly detach himself from any emotion that can affect his decorum in the Court room. A Judge must not allow his private opinion on a case to reflect in his judgment except there are evidence and facts supporting his private opinion. A Judge must be guided only by the evidence given before him in Court. He must not convey the impression that his judgment is being directed by a desire to heed private or public sentiments.

**ii** A Judge should maintain judicial independence, integrity, honesty and diligence. A Judge should refrain from hearing a case where there is an established affinity or friendship or enmity with a party or where the Judge has been the party’s advocate in previous proceedings.[[26]](#footnote-26) J. D. Ogundere, in his book, ***The Nigerian Judge and* *His Court****,* stated that in his relationship with relatives and friends, a Judge may be appraised of matters which are subjects of pending litigation or which subsequently become one. If such a matter comes before the Judge, he should decline on grounds of previous knowledge of the parties or simply on personal grounds.[[27]](#footnote-27)

**iii** A Judge should not be in so much hurry to deliver ruling/judgement in an application/matter without affording the parties an equal opportunity of being heard. Although, justice delayed is justice denied, the long time spent before justice is done is better than the harm done in a shorter period and perpetuated forever. A Judge should not sacrifice justice in the name of speedy trial. A Judge must be seen to be interested in hearing from both sides.

**iv** The Bench is not a place to make quick money but rather a place to make good name. Always bear this in mind on the threshold of your judicial career. Otherwise, you become an obstacle to justice or better still, a stranger to justice. Be guided at all times to your judicial oath of office. You will not lack the basic necessity of life to keep you as a Judge.

**6.** **COURTROOM DECORUM: SYNERGY BETWEEN THE BAR AND THE BENCH:**

Lawyer as officer of Court: -

Rule 30 of the ***Rules of Professional Conduct for Legal Practitioners 2023*** states that “a lawyer is an officer of the court and, accordingly, he shall not do any act or conduct himself in any manner that may obstruct, delay or adversely affect the administration of justice[[28]](#footnote-28)”. As eminently observed by Lord Denning, M.R. in *RONDEL V. WORSLEY[[29]](#footnote-29)*, a lawyer “has a duty to the court which is paramount”. In the words of His Lordship Crampton, J. in *R. V. O’CONNEL[[30]](#footnote-30)*:

This court, in which we sit, is a temple of justice; and the advocates of the Bar, as well as the Judge upon the Bench, are equally ministers in that temple. The object of all equally should be the attainment of justice…[[31]](#footnote-31)

This was cited in great details with approval by the Court of Appeal in FREE ENTERPRISE NIGERIA LTD. v. GLOBAL TRANSPORT OCEANICO SA. (1998) 1 NWLR (Pt. 532) 1 @ 21 – 22.

As an officer of the Court, a lawyer has the duty to comply with standards of decorum in the courtroom[[32]](#footnote-32).

**7.** **COURTROOM DECORUM OF LAWYERS:**

Rule 36 of the *Rules of Professional Conduct for Legal Practitioners* contains specific provisions on courtroom decorum which a lawyer shall comply with. **Rule 36** provides that when in the courtroom, a lawyer shall:

(a) be attired in a proper and dignified manner and shall not wear any apparel or ornament calculated to attract attention to himself;

(b) conduct himself with decency and decorum, and observe the customs, conduct and code of behaviour of the court and custom of practice at the Bar with respect to appearances, dress, manners and courtesy;

(c) rise when addressing or being addressed by the Judge;

(d) address his objections, requests, arguments, and observations to the Judge and shall not engage in the exchange of banter, personality display, arguments or controversy with the opposing lawyer;

(e) not engage in undignified or discourteous conduct which is degrading to a court or tribunal; and

(f) not remain within the Bar or wear the lawyer’s robes when conducting a case in which he is a party or giving evidence.

Clearly, Rule 36 of the *Rules of Professional Conduct for Legal Practitioners* prescribes in-court behaviour of lawyers in Nigeria. Of utmost importance is the criterion that a lawyer should conduct himself with decency and decorum, and observe the customs, conduct and code of behaviour of the court and custom of practice at the Bar with respect to “appearances, dress, manners and courtesy”. The point to note, here, is that in-court decorum of a lawyer is benchmarked (majorly) against his appearances, dress, manners and courtesy.

It is to be noted that Rule 31(1) of the *Rules of Professional Conduct for Legal Practitioners* states that a lawyer owes a duty to “treat the Court with respect, dignity and honour”. IN *OLAKUNLE V. STATE[[33]](#footnote-33),* the Supreme Court admonished:

This attack on the integrity of the learned trial Judge is, to say the least, very irresponsible and reprehensible. Rule 31(1) of the Rules of Professional Conduct for Legal Practitioners… enjoins the appellant’s counsel to ‘always treat the Court with respect, dignity and honour’. It is unethical for a lawyer, an officer of the Court, to be disrespectful to the Court and thereby bring it to disrepute by very reckless and ill-conceived submissions[[34]](#footnote-34).

It is incumbent on the Bar to respect the Bench in order to ensure the viability and product of the synergy. Lawyers should eschew from actions or utterances undermining the credibility of the Bench. Casting aspersion on Judges or their decisions, rather than seeking lawful procedural redress will bring down the entire institution, wherein the Bench, the Bar and the society will be negatively affected. In EGBUCHE v. EGBUCHE (2015) LPELR-25868 (among other holdings in the case), Lawyers were enjoined to know that, “***Clients come and go but the Court which is his primary constituency remains”.*** Also, in – LAWAN v. ZENON PETROLEUM AND GAS LTD. AND OTHERS (2014) LPELR-23206- CA. it was emphasized that: ***“No matter the level of disapproval of decision of a learned judge by learned Counsel, the Rules of our professional conduct and ethics requires that lawyers and litigants use decent language in Court”.***

In ABEKE v. THE STATE (2007) ALL FWRL (Pt. 366), SC page 644 at 662 per Niki Tobi JSC (of blessed memory) said “***Parties do not win cases by aspersion on a Judge who has no opportunity to defend himself beyond the cold Records of Appeal. Let Counsel refrain from bringing the Judge, the unbiased umpire*** “***so to say” to the theatre of litigation and rubs him with mud. That will be tantamount to reducing the height that the law has bestowed on the Judge”.*** Also, in ANOZIA v. A.G. LAGOS STATE (2010) NWLR part 1216, Per Salawu JCA (Rtd.), it was commented that “***It is a very bad way of showing discourtesy to a Lady Judge or in fact any Judge at all by referring to him or her in third person pronoun. It is absolutely unethical and unpardonable and whether the Judge is a HE or SHE, reference should be made to THE LEARNED JUDGE or even HON. JUDGE”.***

As noted, **Rule 36** of the *Rules of Professional Code of Conduct for Legal Practitioners* provides guidance on ethical behaviour of lawyers in courtroom. The guidance covers areas such as appearances, dress, manners, courtesy and so forth. A common concern is the unethical behaviour of some lawyers having confrontation with Judges in open Court. Arguing with a Judge in open Court is unethical (uncivil)[[35]](#footnote-35). Lawyers are to observe courtroom decorum – thereby engendering synergy in the relationship between the Bar and the Bench.

It is the duty of a Judge in-court to draw the attention of a lawyer, where for example, he (lawyer) is not properly attired (dressed). Where a lawyer is not properly attired (dressed), the Court may deny him audience[[36]](#footnote-36). Judges and lawyers are to avoid use of intemperate language in courtroom, as admonished by the Court of Appeal in *UCHIV & ANOR V. SABO & ORS****[[37]](#footnote-37).***

In EFCC V. DR. ERASTUS AKINGBOLA**[[38]](#footnote-38),** the Court of Appeal observed that it is one of the etiquettes of a judicial officer to respect the Bar/counsel, and maintain his cool no matter the degree of provocation or disrespect a counsel before him must have put forward. In *MAGNA MARITIME SERVICES LTD V. OTEJU[[39]](#footnote-39),* the Supreme Court condemned in strong terms, the behaviour of counsel in walking out of Court on a Judge, on the pretext that he was ill.

The point has been made that “some of the causes of friction between the legal practitioner and the court stem from the misbehaviour of some legal practitioners”[[40]](#footnote-40). The misbehaviour frequently occurs in the courtroom. It is worth emphasizing that Judges and lawyers have to synergize in the area of courtroom decorum. Neither the Bar nor the Bench can do it alone. The synergy is necessary in the interest of administration of justice.

**8.** **RESPECT FOR THE COURT:**

As noted, Rule 31(1) of the *Rules of Professional Conduct for Legal Practitioners* enjoins a lawyer to treat the court with respect, dignity and honour. This duty a lawyer owes to the court whether or not he is in court. In other words, this duty of respect extends to a lawyer’s in-court and out-court behaviour.

Failure to appear in court or be properly represented may be regarded as disrespect to the Court[[41]](#footnote-41). In *L.S.P.D.C. V. NIGERIA LAND & SEA FOOD LTD*[[42]](#footnote-42), the Supreme Court eminently observed, *inter alia*:

“A counsel who is unable to attend the court owes it a duty to arrange for another counsel to hold his brief. It is discourteous, impolite for a counsel to turn down the invitation of this court to address it further on any issue. If counsel appreciates that he is first and foremost an officer of the court, his duty as an officer is to show utmost respect and not to treat the process of the court with levity. Mr. … should regard this observation about his conduct as a warning which must not be repeated”

**9. CONTEMPT OF COURT:**

The topic of this discourse from the perspective of the Bench will be incomplete without a discussion on the issue of contempt of court. It is the duty of the Judiciary not only to be respectful towards the members of the Bar, but the Judiciary or the Judges also have the bounden duty to uphold the high standard of the legal profession. Punishment for contempt of court can be imposed on lawyers for disrespectful or improper behaviour during the proceedings of the court.

Contempt of court is defined in the Dictionary of English law as follows:-

***“Contempt of Court is where a person who is a***

***party to a proceeding in a superior Court of record***

***fails to comply with an order made against him***

***or an undertaking given by him or where a person***

***whether a party to a proceeding or not does any***

***act which may tend to hinder the course of justice***

***or show disrespect to the Court’s authority.***

***Contempts are direct, which only insult or resist***

***the powers of the Court or the persons of the***

***judges who preside there; or consequential,***

***which without such gross insolence, or direct***

***opposition plainly tend to create a universal***

***disregard of their authority. Contempt may be***

***divided into acts of contempt committed in the***

***court itself (IN FACIE CURIAE) and out of Court.***

***Among the former, are all acts, as talking***

***boisterously, applauding any part of the***

***proceedings, refusing to be sworn or to answer***

***a question as a witness, interfering with the***

***business of the court… and refusing to acquiesce***

***in the ruling of the Court or speaking disrespectfully***

***of or to the Judge …. Among the latter is the***

***attempt by intimidation to cause any suitor to***

***discontinue his action, kidnapping or corrupting***

***or attempt to do so… obstructing or attempting***

***to obstruct the officers of the Court on their***

***way to their duties, speaking or writing***

***disrespectfully of the authorities of the***

***Court, etc…***[[43]](#footnote-43),***”***

I call particular attention to contempt committed “***in facie curiae***” or in the face of the court by some lawyers who sometimes exceed the bounds of decent advocacy.

It is important for Judges to be able to distinguish between acts which are merely discourteous to the Judge and acts which are contemptuous. A lawyer has the right to present his client’s case in the manner he deems fit. It is advisable that Judges do not unduly interrupt counsel while they are presenting their case.

To be respected, a Judge should be or aspire to be a model of decorum and self-respect. One of the qualities of a good Judge is the ability to remain calm even in the face of extreme provocation. This is very well illustrated by the case of CANDIDE-JOHNSON V. EDIGIN (1990) 1 NWLR (PT. 129) 660**.** The Respondent an Ag. Chief Magistrate Grade 2 ordered the detention of the Appellant, Counsel for the accused in a criminal matter before her for contempt. Counsel sued the Magistrate for breach of his fundamental rights. On the need for restraint in the exercise of judicial power to punish for contempt, Achike JCA (as he then was and of blessed memory) @ pp 671-672 H-B observed.

***“Apparently, when tempers rose rather meteorically,***

***the respondent exacerbated by the situation, unleashed***

***this incisive question: “When did you leave the law***

***school?”. The response going by the record was equally***

***unrelenting; “I will refuse to answer that question***

***in the rudest manner. “It was the refusal to answer***

***this question, according to the record, that broke the***

***camel’s back, and led to the detention of the appellant***

***for contempt of court. It was unfortunate, to say the***

***least, for the respondent, according to the records, to***

***have taken leave of her exalted bench, invited counsel***

***to extra-judicial dialogue, and thereafter descended into***

***the arena of vituperative conflict with him”.***

***“From the foregoing, I am unable to hold that the***

***extra-judicial vituperative exchange between the appellant***

***and the respondent in the peculiar circumstances of***

***this case amounted to contempt of court. On the contrary,***

***I think that the invocation of the power of contempt in the***

***instant case bordered on abuse of judicial authority…”***

Admittedly, the court as ***dominus litis*** wields or exercises matchless authority in the court. That authority should be exercised with self-restraint and within the bounds of the law and decency.

My experience as a Chief Judge shows that some Judges in their exercise of authority in proceedings are complained against to the National Judicial Council (NJC) by lawyers and litigants for disciplinary action bordering on accusation of unwarranted interference, bias, denial of fair hearing and threats of committal for contempt of court by the Judge.

This is one area where judicial officers should be very circumspect and should avoid using the discretionary power of the court to punish for contempt except when absolutely necessary for the protection of the dignity of the Court. Sometimes it is better for a Judge to invoke Rule 11(3) of the Revised Code of Conduct for Judicial Officers of the Federal Republic of Nigeria which reads as follows:

***“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”.***

***(Underlining mine)***

**10.** **Courtroom Decorum: Synergy between Judge and Staff of the Court:**

It is noteworthy that the *Code of Conduct for Court Employees of the Federal Republic of Nigeria[[44]](#footnote-44)* regulates the conduct and behaviour of Court Employees. The *Code* applies to all categories of Court Employees in all Courts in the Federal Republic of Nigeria. The *Code* says that the term “Court Employees” shall mean “all categories of Employees involved in the day-to-day administration of the Court, other than Judicial Officers[[45]](#footnote-45)”. The expression “Court Employees” is coterminous (coextensive) with ‘Court Staff’, ‘Staff of Court’, ‘Non-judicial Staff’, ‘Judicial Employees’,[[46]](#footnote-46)*etc.*

It should be stressed that **Rule 4** of the *Code* provides for decorum and comportment of Court Employees (Court Staff). **Rule 4** stipulates that:

A Court Employee shall -

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

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

(3) 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 Judiciary;

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

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

(6) 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.

As can be seen, the ethical prescriptions in **Rule 4** are all embracing. **Rule 4(1)** of the *Code* enjoins a Court Employee to refrain from employing foul or indecent language while attending to enquiries from lawyers, litigants and members of the public. A Court Employee is enjoined to be courteous to lawyers, litigants and other users of the Court. **Rule 4(5)** of the *Code* impacts on courtroom decorum in that a Court Employee (Court Staff) in discharging his duty in the courtroom, is expected to be formally dressed and he/she is to avoid all forms of inappropriate/indecent dressing. Generally, Court Employees (Court Staff) are expected to observe high standards of conduct as to command public trust and confidence in the Judiciary.

**11.** **RULE 11(II) OF THE REVISED CODE OF CONDUCT FOR JUDICIAL OFFICERS:**

It is our view that **Rule 11(ii)** of the *Revised Code of Conduct for Judicial Officers* is utilitarian in engendering synergy between the Bench and Court Staff (Court Employees) in maintaining courtroom decorum. Rule 11(ii) of the *Revised Code of Conduct for Judicial Officers* enacts that “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”. By the tenor of **Rule 11(ii)** of the *Revised Code,* a Judge is enjoined to exercise supervisory role over his Staff. A Judge can do this by ensuring that the Court Employees (Court Staff) working with him, adhere to the standards of “decorum and comportment”[[47]](#footnote-47) as stipulated in the *Code of Conduct for Court Employees*.

The foregoing view is fortified by the commendable admonition of His Lordship, Hon. Justice L. H. Gummi (Rtd), thus*:*

Together with our support staff we [Judges] are expected to conform to high moral standards of behaviour befitting an institution charged with the responsibility of preserving the law and dispensing justice… Remember that you [Judges] have the responsibility to properly supervise the court personnel under your direction. Failure to do so may have a negative result on your person and in extreme cases, you may be held accountable for the improper conduct of these employees. Hold them to the same standard you are held[[48]](#footnote-48).

**12.** **ADVICE OF HON. JUSTICE WALLACE J. SMITH:**

It is instructive to draw Your Lordships’ attention to the advice of Hon. Justice Wallace J. Smith, in his work captioned “*Judicial Ethics and Courtroom Decorum*” when His Lordship stated:

Courts were made for men-to judge between their quarrels, to arrest crime, and to lend a listening ear to the pleadings of those who have no other recourse but within the halls of justice; and, while mistakes are made (no earthly enterprise is free of them), none should be made in the procedure and conduct of these institutions created by and for the benefit of men.

As to ethics, the Judge, as he soon learns, owes a great responsibility to the public. In his locality, he is the embodiment of justice, beyond which the comprehension of its citizens seldom goes. If he proves his worth and the worth of the Court over which he presides, there is great pride in the hearts of his friends and neighbors in the thought of justice and the institutions which represent it[[49]](#footnote-49).

**13.** **CONCLUSION:**

Courtroom decorum or court decorum aims to maintain respect for the law, promote order and fairness in the courtroom and ensure that judicial proceedings are conducted with dignity and professionalism. When participants in court proceedings behave in a dignified and courteous manner, it creates a sense of seriousness and importance around the proceedings. Courtroom decorum helps to maintain order and control in the courtroom. Courtroom decorum minimizes disruptions and distractions that interfere with the proceedings. This leads to a more efficient and effective administration of justice.

In the words of Hon. Justice Luke Malaba, Chief Justice of Zimbabwe (2018), in *Chidhumo & Masendeke v. The State[[50]](#footnote-50),* ***“a court of law is a serious and solemn place where the administration of justice is conducted with dignity and respect; it is not a place for singing and dancing”.[[51]](#footnote-51)***

My Lords, if my attempts, have succeeded in initiating discussion on the topic under consideration, then, the objective of the Administrator and Management of the National Judicial Institute (NJI) in nominating me to present this paper has been achieved. It is on this note, I would like to thank My Lords for being attentive audience, and I once more thank the Administrator and Management of the National Judicial Institute for the privilege given to me to write and present this paper.

Thanks for your attention.

1. Definition of ‘decorum’ available at [https://www.merriam-webster.com/dictionary/decorum](http://?) accessed on the 15th April, 2024 [↑](#footnote-ref-1)
2. B.A. Garner (ed.in.c), *Black’s Law Dictionary,* 9thedn p. 471 [↑](#footnote-ref-2)
3. Supra, n 1 [↑](#footnote-ref-3)
4. Ibid, n 3 [↑](#footnote-ref-4)
5. See J. Olakunle Oorjo, Professional Conduct of Legal Conduct in Nigeria (2008) at p. 268. [↑](#footnote-ref-5)
6. See, Hon. Justice W.J. Smith “Judicial Ethics and Courtroom Decorum”, 27 *Tenn.Law Review* 26 (1959-1960), available at [www.heinonline.org](http://?), accessed on the 14th April, 2024 [↑](#footnote-ref-6)
7. See, Hon. Justice W.J. Smith “Judicial Ethics and Courtroom Decorum”, 27 *Tenn.Law Review* 26 (1959-1960), available at [www.heinonline.org](http://?), accessed on the 14th April, 2024 [↑](#footnote-ref-7)
8. See the article, “Courtroom Decorum” available at https://circuit7.org/Circuit%20Judges/SCU\_Courtroom\_decorum.pdf, accessed on the 14th April, 2024 [↑](#footnote-ref-8)
9. See generally, H.A. Bagudu, “Application of the Code of Conduct for Court Employees and its Implications on the Administration of justice in Nigeria” available at [https: www.academia.edu](http://?) accessed on the 6th April, 2024 [↑](#footnote-ref-9)
10. See, *Wikipedia* “Synergy” [available at https://en.m.wikipedia.ng](http://?) accessed on the 6th April, 2024 [↑](#footnote-ref-10)
11. See, “synergy” definition in the English Cambridge Dictionary available [https://dictionary.cambridge.org/dictionary/english/synergy](http://?) accessed on the 6th April, 2024 [↑](#footnote-ref-11)
12. See, “15 Synonyms & Antonyms for Synergy” https://www.thesaurus.com/browse/synergy accessed on 6th April, 2024 [↑](#footnote-ref-12)
13. See, M. Ferrick, “Synergistic Relationships are Superior-marshaFerrick’s available at  [https://marshaferrickloading.com](http://?) accessed on 6th April, 2024 [↑](#footnote-ref-13)
14. See generally, C. Maidoh-Anene, “Courtroom Decorum: Synergies between Magistrates and Counsel”, A Paper presented at the National Judicial Institute, Abuja on 31st March, 2022, available at [https://www.academia.edu](http://?) accessed on 6th April, 2024; see also, Hon. Justice H. Abiola, “Synergy between the Bench and the Bar in the Dispensation of Justice, (The Perspective of the Bench)”, available at [https://coyanigerianlawyer.com](http://?) accessed on 6th April, 2024 [↑](#footnote-ref-14)
15. (2012) *LPELR*  20094 [↑](#footnote-ref-15)
16. *Per* Oredola, JCA; [↑](#footnote-ref-16)
17. See, G. Imam & A.O. Egbewole, “Repositioning the Bar and Bench in Quest for National Development”, 30 *Jumm* (2022), p. 77; available at [https://doi.org/10.17576/jumm-2022-30-07](http://?) [↑](#footnote-ref-17)
18. Aminu Tambuwal (2023), Crucial role of Bench, Bar in reforming Nigeria’s socio political economy available at [https://www.vanguardngr.com/2023/08/crucial-role-of-bench-bar-in-reforming-nigerias-socio-political-economy/](http://?) accessed on the 9th April, 2024 [↑](#footnote-ref-18)
19. Ibid*.* n 17 [↑](#footnote-ref-19)
20. See, “Lewis County Washington (gov) ‘courtroom decorum”, available at https://lewiscountywa.gov/offices/district-court/courtroom-decorum/ accessed on 7th April, 2024 [↑](#footnote-ref-20)
21. *See https://lawbhoomi.com/bar-bench-relations/`* [↑](#footnote-ref-21)
22. Note that the *Revised Code of Conduct for Judicial Officers, 2016* came into force on 24th of February, 2016. The 2016 *Revised Code for Judicial Officers* replaced the earlier *Code*on the subject. [↑](#footnote-ref-22)
23. See, “Code of Conduct for Judicial Officers – UNODC” available at [https://www.unodc.org](http://?) (Last visited on 7th April 2024)

    Note that an infraction of **Rule 3.6** of the *Revised Code of Conduct for Judicial Officers* constitutes misconduct which attracts disciplinary action [↑](#footnote-ref-23)
24. See Rule 3.2 of the Code of Conduct for Judicial Officers, 2016. [↑](#footnote-ref-24)
25. See Rule 3.5 of the Code of Conduct for Judicial Officers, 2016. [↑](#footnote-ref-25)
26. See *Chief (Alhaji) M. K. O. Abiola v. FRN* (1995) 7 NWLR (pt. 405) 1 at 22. [↑](#footnote-ref-26)
27. See J. D. Ogundere, *The Nigerian Judge and His Court* (Ibadan: University Press, 1994) at page 154. [↑](#footnote-ref-27)
28. See, J.O. Orojo, *Professional Conduct of Legal Practitioners in Nigeria*(Lagos: Mafix Books Ltd, 2008) p. 229. See also, M. Todd, Q.C. “Ethics and the Rule of Law” Vol.20 No.1, *Journal of the Commonwealth Magistrates’ and Judges’ Association* (2012) pp.5-9 [↑](#footnote-ref-28)
29. (1967) 1 *QB*443 [↑](#footnote-ref-29)
30. (1884) *LR.Ir* 261 [↑](#footnote-ref-30)
31. *Ibid* at p.312. See also, *Comptroller, Nigerian Prison Services v. Adekanye* (No.1) (2002) 15 *NWLR* (Part 790) 318 (SC); *Umar v. FRN* (2021) *ALL FWLR* (Part 1085) 709 at p. 718, paras. A-C (*per* Eko, JSC) [↑](#footnote-ref-31)
32. See, J.O. Orojo, *op cit* pp. 268 - 280 [↑](#footnote-ref-32)
33. (2018) *ALL FWLR* (Part 947) 1270 [↑](#footnote-ref-33)
34. *Ibid* at p. 1289, paras. G-H [↑](#footnote-ref-34)
35. See, B. Akinlade, “The Bar must maintain courtroom decorum at all times”, available at [https://realnewsmagazine.net](http://?) accessed on the 7th April, 2024 [↑](#footnote-ref-35)
36. See, e.g. Order 52, Rule 7 of the High Court of Rivers State (Civil Procedure) Rules, 2023, which provides: “The Court may deny audience to any counsel who is not properly dressed and shall further direct the counsel to vacate the Bar until he dresses properly”. [↑](#footnote-ref-36)
37. (2016) 16 *NWLR* (Part 1538) 264; See also, *Ayodele Ikumonihan v. State* (2014) 2 *NWLR* (Part 1392) 564 [↑](#footnote-ref-37)
38. (2015) 14 *NWLR* (Part 1478) 1 [↑](#footnote-ref-38)
39. (2005) 14 *NWLR* (Part 945) 51 [↑](#footnote-ref-39)
40. See, J.O. Orojo, *op.cit*at p. 235 [↑](#footnote-ref-40)
41. See, J.O. Orojo, *op cit*at p.232 [↑](#footnote-ref-41)
42. (1992) *5 NWLR* (Part244) 653 at pp.660-661 [↑](#footnote-ref-42)
43. See https//www/dictionary/com. Site last visited 11/04/2024. [↑](#footnote-ref-43)
44. Note that the *Code* came into effect on 1st of March, 2004 [↑](#footnote-ref-44)
45. See, H.A. Bagudu, “Application of the *Code of Conduct for Court Employees and its Implications on the Administration of Justice in Nigeria”, op.cit* [↑](#footnote-ref-45)
46. See, C.T. Dezua, *The Functions and Role of Non-Judicial Staff in the Administration of Justice* (Port Harcourt: Dee Joe Printers 2007) pp.1 – 7. Note that in the U.S., Court Staff are usually called “Judicial Employees” (see, “Code of Conduct for Judicial Employees” available at www.[uscourts.gov/rules](http://?) accessed on the 8th April, 2024 [↑](#footnote-ref-46)
47. *Ibid.*  [↑](#footnote-ref-47)
48. See, Hon. Justice L.H. Gummi, OFR, “National Judicial Policy: An Imperative for the Sustenance of Judicial Ethics”, Paper presented at the Proceedings of 2011 All Nigeria Judges’ Conference 21st – 25th November, 2011, National Judicial Institute, Abuja, pp. 9 & 13 [↑](#footnote-ref-48)
49. See, Hon. Justice W.J. Smith, *op.cit* at p.1 [↑](#footnote-ref-49)
50. Chidhumo & Masendeke v. The State available at [https://www.zrp.gov.zw/index.php?option=com\_content&view=article&id=152:the-arrest-of-notorious-criminals-chidumo-and-masendeke&catid=49&Itemid=953](http://?) accessed on the 9th April, 2024 [↑](#footnote-ref-50)
51. Note that Hon. Justice Luke Malaba in Chidhumo & Masendeke v. The State was expressing his displeasure over the lack of court decorum on the part of the Defendants. In that case, the Defendants were convicted of murder and sentenced to death. During the sentence hearing, the Defendants disrupted the proceedings by singing and dancing in the courtroom. [↑](#footnote-ref-51)