

# **COURT MANAGEMENT AND ADMINISTRATION**

**ETHICAL CONSIDERATIONS AND  
ACCOUNTABILITY IN COURT MANAGEMENT**

**PAPER PRESENTED**

**BY**

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## **COURTESIES/PROTOCOLS**

It is with great honour and humility that I stand before you at the instance of my Lord, Hon. Justice Salisu Garba Abdullahi, the Administrator of this great Institute to present a paper titled "**ETHICAL CONSIDERATIONS AND ACCOUNTABILITY IN COURT MANAGEMENT.**" I must express my sincere appreciation for given me the opportunity to share my theory on this very important topic (**Ethical Considerations and Accountability in Court Management**). I equally commend the institute for organizing this and other workshops which it is my fervent wish that in no distant time will translate to the good of the Nigeria Judiciary. I must thank my Chief Judge, **HIS LORDSHIP JUSTICE KULU ALIYU OFR, FNJI** for making it possible for me to be here.

### **INTRODUCTION:**

It is important to understand the concept of management on one hand then Administration on the other hand (Ethical Court Management and Administration).

Management is the process of planning and organizing the resources and activities of a business to achieve specific goals in the most effective and efficient manner possible, and the efficiency in Management refers to the completion of tasks correctly at minimal cost within specific time lines to yield results.

According to **Mary Parker Follett** "Management is the act of getting things done through people.

**Henri Fayol** also explained Management as “a process of forecast followed by planning organization. Command, coordinating and control of activities of others.”

In simpler terms, Management refers to proper organization and delegation of work along with ensuring its completion.

Administration generally refers to the process or activity of managing or overseeing the operation of an Organization, Government, or Institution. This can include tasks such as Setting Policies, Making Decisions, Allocating Resources, Coordinating Activities, and Overseeing Personnel.

According to **Collins Cubuild Advanced Learner’s Dictionary** “Administration is the activity or process of organizing an institution or organization.” Oxford Dictionary defines “Administration as the activities that are done in order to plan, organize and run a business, school or other institution.”

The topic for discussion “Ethical Consideration and Accountability in Court management” is to provide guidelines for and prescribe Ethical Conduct and Accountability in Court Management of all Judicial Staff/Employee as established by Law. It will describe the very high standard toward which all Judicial Staff/Employees strive. They are principles of reasons to be applied in the light of all the relevant circumstances and in accordance with the requirement of Judicial Staff’s independence and the Law.

The rules are binding on all Judicial Staff and their ultimate goals is to assist Judicial Staff with the difficult ethical and professional issues

which confront them and to assist members of the public to better understand the Judicial Staff/Employees role.

Judicial Staff independence is the right of every person and it must be free and be seen to be free, honestly and impartially on the basis of the law on Court management.

The overview of the role of Judicial Staff/Employees in Judicial Administration on issues of ***Ethical Consideration and Accountability in Court Management***. The Chief Registrar is referred to as the "Sheriff" while the Deputy Chief Registrar is the "Deputy Sheriff". In some International Jurisdiction, he is the Head of Administration and performs only administrative duties. He administers the departments in the Court with the assistance of deputies and head of department, and all other staff called/addressed as Court Managers. Their roles as Judicial Administrators are as follows;

1. The efficient administration of the organogram, every department or unit function optimally in line with set out goals. Some of the Departments in the Court are Litigation, Administration Finance/Account, Engineering, Procurement, Planning, Research and Statistics.
2. Ensuring proper supervision of process relating to filling of Court documents, maintaining a file system of cases and keeping proper records of all final judgment among others.
3. To eliminate waste and inefficiency in the Courts, and ensure diversity of approach to management of the Court system and

provide easy to the Court for members of the public thought vibrant and highly effective Court Registry.

## **ETHICAL CONSIDERATIONS AND ACCOUNTABILITY IN COURT MANAGEMENT**

1. **Definition of Ethical Consideration:** An accumulation of virtues and principles that address questions of what is good or bad in human affairs. Ethics Searches for reasons for acting or refraining from acting, for approving or not approving conduct, for believing or denying something about virtuous or vicious conduct or good or evil rules. A Court Manager deals with human affairs as he manages the Court.
2. **Definition of Management:** Involves so many things especially in the twenty first century, it is a ones stop shop for all administrative activities that relates to the Judiciary i.e.

## **PRODUCT FEATURES**

- E – filing
- E – assessment
- E – payment
- Case (Suit) number assignment
- Case Assignment
- Video conferencing
- Applications management

- Probate management
- Lis pendens manage (pending legal action or a formal notice of one)
- E – notification and Court server
- Capacity Development and Certification

### **PRODUCT BENEFITS**

- A central data base of all court cases,
- Prompt Justice delivery and transparency
- Convenient assessment and payment for applications and filings
- Accessibility as Lawyer, Registry, Staff and Judges can work from anywhere
- Organized files of clients
- Report and access to cumulative data
- Improved client satisfaction with more responsive and reliable service delivery
- Automated calendar process for effective management of deadlines
- Improving source of IGR to the Judiciary arm and State through payment of fillings, application lis pendens and other related services
- Provision of world class Judiciary service for citizens

## **WHAT ARE THE ETHICAL CONSIDERATIONS NEEDED FOR A SMOOTH MANAGEMENT OF COURT BY MANAGERS**

The product features (E – filing, E – Assessment, E – Payment, Case (Suit) Number Assignment, Video Conferencing, Applications Management, Probate Management, Lis Penden Manager, E – Notification and Court Server, and Capacity Development and Certification must be adhered Visa – VI Manager Autonomy.

3. **Definition of Court Management:** It encompasses many facets of administration of Justice. Ultimately Court Management may be defined as the application of processes and procedures in a legal forum that address the needs of our communities through timely and expedient case disposition, provides a Forum for fairness and equity in an environment founded on integrity and ensure access to our Courts for everyone. Only when we are successful in fulfilling these goals and objectives will the public trust and confidence in our Court rise.

Listed below are eight purposes of Court as defined by **Mr. Ernest Friesen**, Former Director of the Administrative Office of United States Courts and founder of the National Judicial College.

1. To do individual Justice in individual cases
2. To appear to do justice in individual cases
3. To provide a Forum for the resolving of legal disputes
4. To protect citizens against the arbitrary use of Government power
5. To make a formal record of legal status

6. To deter criminal behaviour
7. To help rehabilitate persons convicted of crimes
8. To separate persons convicted of serious offences from society.
4. **Ethical Consideration and Accountability:** Accountability is an obligation or willingness to accept responsibility or to account for one's action.

Cambridge Dictionary defined accountability as the fact of being responsible for what you do and able to give a satisfactory reason for it or the degree to which this happens.

The ethical principles of accountability are an acknowledgement of responsibility for actions, decisions and product. Responsibility can be legal or normal ethics. An actor is responsible for an event when the legal system is liable to penalize that actor for that event.

Elements of accountability are; answerability, blameworthiness, liability, attributably and focusing on the ethical strategies developed in response to each of those forms.

The following are the principles of ethical consideration and accountability in Court Management by Court Managers (Court Employees/Judicial Staff)

1. **Judicial Staff Independence:** An Independent Judiciary for Judicial Staff Court Management is Indispensable to Impartial Justice under the Law. A Judicial Staff must uphold and exemplify Judicial Independence in both individual and institutional aspect to



reinforce public confidence which is the cornerstone of Judicial Staff Independence. He/she must exercise Judicial functions independently and free of extraneous influence, to also promote high standards of Judicial conduct.

2. **Integrity:** A Judicial Staff must conduct themselves with integrity so as to sustain and enhance public confidence in the Judiciary, not to issue any statement or criticism or argument on the Judiciary.
3. **Diligence:** A Judicial Staff/Employee in accountability in Court Management must be diligent in the performance of their duties, must also devote his/her professional activity to his duties broadly defined. To also take reasonable steps to develop, maintain and enhance the knowledge, skills and personal qualities necessary for his/her office.
4. **Equality:** A Judicial Staff/Employee must conduct himself on issues before him so as to ensure equality before the Law. Must also carry out his/her duties with appropriate consideration for all persons, shall be patient, respectful and courteous. i.e. parties, witnesses, legal practitioners and colleagues without discrimination on these or any other basis.
5. **Impartiality:** A judicial staffs/employer must be seen to be impartial with respect to his conduct both in and out of court, maintain and enhance confidence in the impartiality of the judiciary.

6. **Enforcement:** Judicial Service Commission to take disciplinary action against any staff/employee found wanting.
7. **Assistance to Litigants:** A judicial staff/employees shall assist litigant to access the courts by providing prompt and courteous customer service and accurate information consistent with the employee's responsibilities and knowledge and the court's resources and procedure while remaining neutral and Impartial and avoid the unauthorized practice of law, employees/ staff are authorized to provide the following assistance
  - a. Explain how to accomplish various actions within the court system and provide information about the court procedure without recommending a particular course of action;
  - b. Answer question about court policies and procedure without disclosing confidential or restricted information as provided;
  - c. Explain legal terms, without providing legal interpretation by applying legal terms and concept to specific facts;
  - d. Provide forms and answer procedure questions about how to complete court papers and forms with punctual information by the court litigants, lawyers, witnesses, parties etc, without recommending what words to put on the forms;
  - e. Provide public case information without providing confidential case information;
  - f. Provide information, on various procedure options without giving an option about what remedies to seek or which option is best;

- g. Cite statutes, court rules or ordinance a Judicial Employee/Staff knows in order to perform the employee's job without performing legal research for court customers;
  - h. When asked to recommend legal professional such as an attorney, a legal document preparer or process service refer the customer to a resource like a directory or referral service without recommending a specific legal professionals;
  - i. Provide scheduling and other information about a case without prejudicing another party in the case or providing information to or from a judge that is impermissible ex parte (one party) communication about case.
8. **Statement on Pending and Impending Cases:** A judicial employee shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court or make any non-public statement that might substantially interfere with a fair trial or hearing. Notwithstanding the restriction a judicial employee may make public statements in the course of official duties, may explain court procedures and may comment on any proceeding in which the judicial employee is a litigant in a personal capacity.
9. **Personal Interest:** every judicial employee has a legal obligation to diligently identify, disclose and avoid conflicts of interest. A potential personal interest or conflict of interest exists when an official action or decision in which a judicial employee participates may especially benefit or harm a personal business or employment

interest of the judiciary employee, the judiciary employee's relative or the judicial employee's close friends. In a judicial proceeding a potential conflict of interest arises if a judicial employee's business associates, relatives or close friend is an interested party. Even if no impropriety actually occurs, a conflict of interest creates an appearance of impropriety that can seriously undermine the public confidence and trust in the court system. Alternative exists and safeguard, including full disclosure to the parties involved, ensure official duties are properly performed.

10. **Disability and Impairment:** A judicial employee who has a reasonable belief that the performance of another judicial employee or a judge is impaired by drugs or alcohol or by a mental emotional or physical condition shall immediately report the observed behaviour to a Superior Administrator or the appropriate Human Resources Office. A judicial employee who receives a report of impairment shall take appropriate action which may include a confidential referral when the judge or judicial employee agrees to seek assistance from an appropriate assistance program
11. **Duty to Report:** A judicial employee shall report to a supervisor, administrator for or judge within the judicial department any violation of the law in the course of court employment or that may affect the violation of the law in the cause of employment or that may affect the violator's ability to perform court duties and any violation of the reporting code of conduct by a judge, another employee, or the reporting employee. Employee shall not be subject to sanction for reporting violations if such report is made in

good faith and shall cooperate and be candid and honest in any investigation and disciplinary proceedings

12. **Use of Nonpublic Information:** A judicial employee shall not intentionally disclose or use nonpublic information acquired in an official capacity for any purpose unrelated to the employee's duties
13. **Solicitation for Outside Activities:** A judicial employee should not personally request or by action or inference solicit a subordinate to contribute funds to any organization or party but may provide information to subordinate about a general fund raising campaign. A member of a Judge's personal staff, a court room clerk or a court manager should not request or by action or inference or solicit any litigant, attorney or judicial employee to contribute funds under circumstances where their close relationship to the judge could reasonably be viewed to give weight to the request
14. **Gifts and Compensation:** Whenever a judicial employee accept a gift or other things of value without paying fair market value, there's a risk that the benefit might be viewed as intended to influence the judge's decision or a judicial employee's action in a case. The ethics prohibits the acceptance of such benefit except in circumstances where the risk of improper influence is low. Examples of improper conduct include seeking a favour or receiving a gift or the promise of one, whether be it money, service, travel, food, entertainment, or hospitality, that could be viewed as a reward for past or future services. Receiving fees or

compensation not provided by law in return for public service is an offence.

15. **Reimbursement of Expenses and Waivers of Fees or Changes:** Education, Civic, Religious, Fraternal, and charitable Organization often Sponsor Meetings, Seminars, Symposia, dinners, awards ceremonies, and similar events. Judicial employees are encouraged to attend Educational Programmes as both teachers and participants in furtherance of their duty to remain competent. Participation in a variety of other extra judicial activity is also permitted and encouraged.

For successful ethical consideration and accountability in court management certain skills are required. These skills are in line with international practices for accountability, administration and management and therefore essential for easy Court management by managers

- Organization and delegation
- Planning and strategic thinking
- Interpersonal skills
- Problem solving and decision making
- Mentoring
- Communication and motivation

### **Challenges in Court Management in Nigeria**

1. Inadequate funds of the courts

2. Lack of training to equip and prepare court managers in line with best international practice.
3. In security in some part of the country
4. Lack of discipline inherent in the public service
5. Lack of Court managers autonomy
6. Lack of proper infrastructure to support judicial staff/employees (Court managers)
7. Needs for enhanced welfare of judicial staff/employees
8. Use of outdated case court management system

## **CONCLUSION**

Effective and efficient ethics and accountability in court management demand a well-defined judicial governance structure for policy formulation and administration for the entire Court system in Nigeria. Judicial employees/staff should be selected/appointed based on competence. Judicial leaders should focus attention on policy level issues, clearly to allow court managers to execute their judicial duties within the ambit of the law without interference.

The judiciary is given a very sacred and solemn duty of adjudication of disputes and the determination of rights and obligations of citizens in a given Country. Members of the Judiciary will be accountable to their Creator in the hereafter. Therefore, they must strive to see that they comply with all the ethics that are recognized by the profession which includes, impartiality, integrity propriety, equity, diligence, competence, and independence.

They must also ensure accountability in the management of the affairs of the Court by inter alia, ensuring proper safe keeping of properties under custody of court, financial accountability, transparency and discipline

Where these principles are observed, a judicial staff and judiciary in general will sleep in peace knowing that he/she has discharged the burden placed upon him/her by the law and by his/her creator.

I pray that we will all be able to discharge this solemn responsibility placed upon us. I thank you very much for listening and may God bless you all Amen.



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