**COURT ROOM ETIQUETTE:**

**PROFESSIONAL CONDUCT AND BEHAVIOUR IN JUDICIAL SETTINGS AS IT RELATES TO JUDICIARY CORRESPONDENTS.**

**A PAPER DELIVERED**

**BY**

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**INTRODUCTION**

On receiving the invite to come and deliver a lecture on Court room etiquette and professional behaviour in judicial settings as regards the judiciary correspondents, this presenter was elated beyond description for two reasons.

The first reason, being that this presenter was in this same hall named after the late eminent jurist and former chief justice of Nigeria, Justice Katsina Alu of the blessed memory last year were this presenter handled a topic that dwelled on the core competences of judiciary correspondents. It is like a second missionary journey in helping to deepening knowledge of our judiciary correspondents who reports our courts on a daily basis.

This presenter, having established a bond with this revered judicial institute of repute, did not think twice in accepting the invite to come and rub intellectual mind with the judiciary correspondents in the country who are gathered here in their numbers.

The second reason, is on a hilarious note. This presenter happens to know a retired Principal, who read in England and who carried himself with dignity. The retired principal in question turned the word "etiquette " into a cliché as he regularly used it to deprecate any act of misconduct. The presenter witnessed the retired principal using his favourite word "etiquette " in a village meeting when a younger person wanted to collect meat before the revered principal, as he lambasted the fellow and described him as lacking "Etiquette " a response that elicited outburst of laughter.

It never cross ones mind that one would one day be saddled with the responsibility of being asked to deliver a lecture that has to do with "etiquette " What this means, is that after the delivery of this lecture, the presenter will be making available a copy of this lecture to the retired principal who comes from this same village as one, by virtue of making the word popular in my village.

As we think of meeting up with the demands of Yuletide in a troubling economy, the presenter craves the indulgence of this August gathering in the month of December, to spare some minutes of undivided attention as one attempts to provide illumination on the topic at hand.

Before one unpacks the topic, the presenter is inclined to go by the way of first defining what a court is. According to justice (prof) Nikki Tobi, " the court is a very sacred constitutional institution.

It is a formidable part of the third arm of government, which is the judiciary. The law places it in a revered position. It is surrounded by an aura of legalism and formalism". Justice Tobi, went on to conclude in his definition of court by saying inter alia: The court is not like every other institution or body; it is placed in an exalted position, and it should remain so for all times, not necessarily for the personal edification of the judge but for the overall interest of the administration of justice ".

**WHAT IS ETIQUETTE?**

According to the Cambridge dictionary, Etiquette is "the set of rules or customs that control accepted behaviour in particular social groups or social situations". Whoever veers off from such set of rules or customs that control accepted behaviour in particular social groups or situations is said to be bereft of etiquette.

A glimpse of what etiquette represents can be gleaned from the Christian holy Bible, about the story of the two sons of Eli, Hophni and Phinehas who contravened the religious rules of Israel in their time. 1 Samuel 2:12 -36, states inter alia:

Eli sons were scoundrel, they had no regard for the Lord. Now, it was the practice of the priest that, whenever any of the people offered a sacrifice, the priest servant would come with a three -pronged fork in his hand while the meat was being boiled and would plunge the fork into the pan or kettle or cauldron or pot. Whatever the fork brought up the priest would take for himself. This is how they treated all the Israelites who came to Shiloh. But even before the fat was burned, the priest’s servant would come and say to the person who was sacrificing "Give the priest some meat to roast; he won't accept boiled meat from you, but only raw "

If the person said to him "let the fat be burned first, and then take whatever you want " the servant would answer "No, hand it over now; if you don't, I'll take it by force"

The consequence of not obeying the religious etiquette in Israel, Israel suffered defeat in the hands of philistine in war, with the ark of God taken away and the two disobedient sons of Eli, Hophni and phinehas dying at the battleground on same day.

In our country, stories of political office holders making mincemeat of the commonwealth is a common phenomenon, even after taking oath of office, that prescribes acceptable political conduct. Time will not permit, for one to delve into how some of these politicians have through their criminal inclinations have underdeveloped Nigeria. Infact, Walter Rodney if were he to be alive would have changed the title of his book "How Europe underdeveloped Africa " to "How unethical Nigerian politicians underdeveloped Nigeria". Having defined etiquette and citing few examples of how it can be dragged to Golgotha for abject crucifixion, we shall now proceed to understand what is court etiquette.

**COURT ETIQUETTE**

Court room refers to how to dress and behave while in the courthouse, whether you are a participant, a witness, a juror or a spectator. (Courts. Oregon. gov)

**COURT ROOM ETIQUETTE FOR JUDGES**

For professionals in the temple of justice, one gets a sense of how judges who presides in courts should behave from no less a person than late erudite jurist, professor Nikki Tobi, when at the 1993 induction course for newly appointed judges and Kadis, he said:

"A judge would be unfair to counsel not present in court if he made adverse and damaging remarks about him as he not the opportunity of defending himself. The elementary principle of audi alterem parten would have been breached. A counselor witness who is harassed or shouted down during court proceedings cannot be said to have received a fair deal. Such a judge would not be seen by reasonable on-lookers in the court to be fair"

The eminent jurist went on to opine that "Undue interventions, talkativeness, irritability, irascibility and impatience are not to be traits of a good judge. Also judges are not to play the role of comedians or entertainers by making irrelevant jokes. This is not to say that they must abandon their sense of humour. What is undesirable, is for the counsel or parties or witnesses to be made the object of ridicule by such jokes. To do so would be unfair. It would amount to an act of indispline "justice Tobi warned, as a way of strengthening the etiquette expected of judges.

**COURT ROOM ETIQUETTE AS IT APPLIES TO LAWYERS.**

Just as judges are bound by judicial etiquette, lawyers are equally bound by professional etiquette. A lawyer appearing in court for example must be properly robed and not appearing in a dress he/she wishes. As part of the privileges offered to senior advocates in Nigeria, a lawyer is not expected to drag the front row seat with a senior advocate of Nigeria (SAN) except the senior advocate is courteous enough to allow a company of a non SAN with him or her on the seat.

A Lawyer is also expected to use civilized language while in court and not to be rude to the judge or defendant in a case. There are other professional etiquette expected of lawyers in a judicial settings.

**THIRD JUDICIAL DISTRICT BASIC ROOM ETIQUETTE.**

No matter your role in a court case litigant, defendant, attorney, witness or juror, making a good impression on the presiding judicial office is of utmost importance.

**Basic rules:**

* Your actions and appearance show that you respect the court, the judge, and the importance of the proceedings.
* Respect the courts time by being on time
* Choose clothing that would be appropriate.
* Remove hats before entering the courtroom.
* Turn off cell phones before entering the courtroom.
* Be courteous and act in a professional manner to all those involved in the proceedings. Thus includes the judge, court staff, opposing litigants and attorneys.
* Do not interrupt others while they are talking.
* Refer to the judge as "Your Honour"
* Stand up when the judge and jury enter and leave the court room.
* Stand when speaking to the judge
* No food or beverages are allowed in the courtroom.

**JURORS**

* Noisy or disruptive conduct is not allowed
* Do not talk to other jurors or be otherwise distracted during the proceedings.
* Do not interrupt the proceedings
* Quiet and close attention to the proceedings is expected.
* Be respectful of your fellow jurors opinion and conduct yourself in a professional manner.

**LITIGANTS**

* Direct all remarks to the judge
* Be respectful to the opposing side
* Do not cause interruptions

**PROFESSIONAL CONDUCTS OF JUDICIARY CORRESPONDENTS WITHIN THE COURTROOM**

As not to violate the general court room etiquette, it is expected that judiciary correspondents whose natural habitat is the courtroom and court premises, should exhibit conducts that speaks well of them and the organizations they represent, and for that to happen certain professional conducts are expected.

**PROFESSIONAL CONDUCTS WITHIN THE COURT ROOM**

1. **Covering the court proceedings without a judge permit.**

While judiciary correspondents are expected to cover the court, it is not to cover court proceedings. For a court proceedings to be covered, it must be that the practice direction allows that or that the judge gives a permit. Anything short of that amounts to professional misconduct, to which the presiding judge might slam the sledge hammer on an erring judiciary correspondents or reporter.

1. **Making or receiving calls in a courtroom**

While judiciary correspondents are journalists who make use of phones and other communication gadgets a lot, the behaviour of making calls or receiving calls while court proceedings is on cannot be tolerated. The only way out is for the judiciary reporter to take a bow in the court and leave outside to make such a call or receive the call.

1. **Conducting interviews inside the court**

Judiciary correspondents should never contemplate Conducting interviews inside the court, no matter the temptations. Any interview conducted inside the court is a desecration of the court. Judiciary correspondents or Reporters should always conduct their interviews outside the court premises, as such is the standard practice.

1. **Using wrong language in Conducting interviews outside the court premises.**

Even when a judiciary correspondents is allowed to conduct interviews outside the court premises, such a person must choose his words carefully and not to use words that are injurious to their interviews.

1. **A judiciary correspondents is expected to dress well when entering a court room premises.**

He or she must not dress indecently, as such can attract the wrath of the judge. Hats must be removed to show respect to the court.

1. A judiciary reporter who has a duty to perform in court should be cautious of time and not to saunter into a court when a judge has already seated, as such is not an acceptable behaviour. A court reporter must be inside the court before a judge rises for a matter, as anything short of this, is gross indispline.
2. **Shuffling of camera while a court is on.**

Shuffling cameras inside a court when a court is session can cause distraction, which is one of the things frowned in court. Judiciary Reporters should always impress it upon their camera men to do their work without disrupting court proceedings. Camera men are free to shuffle their camera any how the wishes outside the court premises.

1. Judiciary Reporters during court sittings, should not be moving round the court endlessly in a way that gets the notice of those in court. Movement, is allowed in court but not when it has become nuisance.
2. **Sleeping inside the court**

A judiciary reporter who knows why he or she is court, should not go there to start sleeping, as that amounts to wrong professional behaviour. When one is threatened by the force of nature, such a person should excuse himself/herself from the court, as the court is not where people go to sleep. We see that a lot happening in our national assembly, with camera showing some representatives Sleeping inside the chambers, but in order to maintain professional conducts that are endearing, such is a no.

1. A judiciary reporter is not expected to be reeking of alcohol or taking one inside the court. The court is not a bar, where people are free to take any drink that enters the eye. A judiciary reporter who cannot do without a drink, should wait after the court to do so.
2. **Making noise inside the court**

A judiciary reporter should not be part of people who make noise in court, as the court is a solemn place that requires people to be silent when proceedings are on. People who are permitted to talk during court proceedings are those in the dock or lawyers Conducting trial.

1. **Reporting correctly court proceedings**

Judiciary Reporters should report correctly what they see in court and not what they are imagining. This has become necessary, as not doing so, in an invitation of the wrath of the court.

More professional behaviour would have suffix, but space and time happens to be a constrain.

**CONCLUSION**

The court is a hallowed ground and court room etiquette contributes in making it so. That established, it is expected that judiciary correspondents whose second home is the court, should be up to speed with the general court room and etiquette and professional behaviour expected of them in strengthening the court room etiquette. In doing so, their professional standing before the right thinking members of the society will soar.

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