

**ENHANCING THE PRODUCTIVITY
OF JUDICIAL OFFICERS:
PERFORMANCE MANAGEMENT
AND EVALUATION**

DELIVERED BY

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***Theme: 'PROMOTING JUDICIAL PERFORMANCE THROUGH
INNOVATIONS AND REFORMS'***

Organised By

THE NATIONAL JUDICIAL INSTITUTE

**TOPIC: ENHANCING THE PRODUCTIVITY OF JUDICIAL OFFICERS,
PERFORMANCE MANAGEMENT AND EVALUATION**

INTRODUCTION

Let me begin this presentation by expressing my profound gratitude and appreciation to the Chief Justice of Nigeria, the Chairman Board of Governors of National Judicial Institute (NJI), the Administrator and staffers of the Institute for giving me the opportunity to make this presentation before Honourable Judges and Khadis of superior courts of record here present. I am particularly honoured to be requested to make this presentation before an assemblage of eminent jurists and erudite Judicial Officers of this great country.

I received this invitation with mixed reactions realising that delivering a paper of this nature before this distinguished gathering is by no means a small feat. I was almost tempted to decline the offer to make this presentation because of my tight schedule of work; both in court as well as other judicial and administrative assignments. However, on a second thought, I realised that sharing knowledge with one's peers and colleagues is rare privilege and an act of great honour for which I am grateful. I also remembered that when I was appointed a Judicial Officer a little above 18 years ago in Ondo State Judiciary, some eminent Jurists were invited to deliver papers at a refresher course for newly appointed Judicial Officers of which I was one. A combination of consideration, coupled with the rare privilege to stand before your Lordships prompted my acceptance to write and deliver this paper.

Once again I express my sincere appreciation to the Administrator of the Institute and the organisers of this refresher course for the opportunity accorded me to write and present this paper.

For the purpose of emphasis, the topic before me is "ENHANCING THE PRODUCTIVITY OF JUDICIAL OFFICERS: PERFORMANCE MANAGEMENT AND EVALUATION". I shall make my presentation by way of a review of the establishment and roles of the Performance Evaluation of Judicial Officers' Committee of the National Judicial Council. My presentation of this paper would be both abstract and clinical.

ESTABLISHMENT OF THE COUNCIL

History is made up of past events; what is on ground is story. Before the 1999 Constitution (as amended), enough provisions were not made for a body to have powers on judicial policies, control and standard. In a bid to address this and the deterioration in the ethical standard and performance of Judicial Officers in the Nigeria, the General Abacha administration set up a Commission in 1993 to probe the conduct of Judicial Officers in the country and make recommendations thereof. Section 153 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) established for the Federation some executive bodies one of which is the National Judicial Council (NJC). The composition and powers of the Council are provided in items 20 and 21 of Part 1 of the Third Schedule to the said Constitution.

The National Judicial Council is charged with the power to recommend the appointment of Judicial Officers throughout the country, collect and disburse budgetary provisions of the judiciary and judicial bodies as mandated by the Constitution, pay their salaries and allowances of Judicial Officers and judicial staff, as well as discipline erring officers. However, the primary objective of establishing the Council is to ensure that Judicial Officers discharge their functions independently and insulated from interference from other arms of the government. The Council also ensures efficient performance and maximum productivity of Judicial Officers.

The Committee set up by the General Abacha administration to probe Judges which was headed by Hon. Justice Kayode Esho, CON (JSC as he then was and of blessed memory) found 28 Judges culpable for various offences ranging from corruption to low productivity. The report Hon Justice Eso's Committee Report was referred to the NJC in 2001 for necessary actions. A review panel was set up by the NJC to revisit the cases of the indicted Judicial Officers.

ESTABLISHMENT OF THE PERFORMANCE EVALUATION COMMITTEE OF THE NATIONAL JUDICIAL COUNCIL

The Performance Evaluation Committee of Judicial Officers of NJC was set up in 2003 by the Council after the Council observed the efficacy in the Hon Justice Kayode Eso's Committee Report. Thus the Council recommended that there should be in the Country a Performance Assessment Committee to monitor the performance of all Judicial Officers in the Country. Hence, in 2003 the Performance Evaluation Committee of Judicial Officers of Superior

Courts of Records was set up pursuant to the wide powers of the Council as enshrined in item 21 of Part 1 of the Third Schedule to the 1999 Constitution. The Committee comprised of 5 pioneer members and a Secretary. The inaugural members were:

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|---|-----------|
| 1. Hon. Justice B.O. Babalakin, CON (JSC rtd) | Chairman |
| 2. Hon. Justice Owolabi Kolawole, OFR | Member |
| 3. Mr. A.N. Anyamene, SAN | Member |
| 4. Alh. Murtala Aminu, OFR, Galadima of Adamawa | Member |
| 5. Dr. Abigail Ajoku, KSM | Member |
| 6. Alh. Muktari A. Tambawel (DD, PRS, NJC) | Secretary |

MANDATES OF THE COMMITTEE

The various mandates of the Performance Evaluation of Judicial Officers of Superior Courts of Record includes evaluating, assessing, monitoring and supervising the performance and general conduct of Judicial Officers in the discharge of their judicial functions and administration of justice.

Consequent upon the terms of establishment of the Committee, it owes it a duty to ensure that a minimum standard of performance expected of a Judicial Officer is attained. The evaluation and assessment of the performance of Judges is one of the yardsticks of measuring which Judicial Officer based on his /her performance report, deserves to be commended and recommended for appointment or elevation to a higher Bench whenever the need arises. It also recommends on regular basis to the Council, measures to be taken against low or non-performing Judicial Officer.

Membership of the Committee is constituted at the plenary of the Council under the Chairmanship of the Council. Whenever there is vacancy on the Committee either by completion of tenure or retirement of a member, a replacement is made at the plenary by the Chairman of the Council who is also the Chief Justice of Nigeria.

The Committee comprises of a Chairman and 8 members. The membership comprises of retired Supreme Court Justices, retired Court of Appeal Justices, some Heads of Superior Courts of Records (Federal and State Courts), selected Grand Khadi of Sharia Court of Appeal and selected Presidents of Customary Court of Appeal. From the records, the Committee was first chaired by a retired Justice of the Supreme Court – in the person of Hon. Justice B.O. Babalakin, CON (JSC rtd) between 2003 and 2010, thereafter Hon. Justice Emmanuel O. Ayoola, CON (JSC rtd) took over the chairmanship of the Committee from 2010 till date. The present Committee

composed of 9 members which includes the Chairman and a Secretary. Members of the Committee could be retired Judges, serving Judges and one or two other persons from backgrounds other than law.

MODE OF OPERATION OF THE COMMITTEE

The Committee sits to evaluate and consider the performance of Judicial Officers of various Courts starting from the Court of Appeal, Federal High Court, National Industrial Court of Nigeria, High Court of the Federal Capital Territory, High Court of States, Sharia Court of Appeal of the FCT, Sharia Court of Appeal of States, Customary Courts of Appeal of FCT and Customary Court of Appeal of States.

It is the standing order and practice of the Committee that at every first week of a new quarter, Judicial Officers of the above stated courts of records should make quarterly returns by filling and submitting their Performance Evaluation Form to the Secretariat of the Committee through their Heads of Court who are expected to thoroughly peruse the forms before countersigning same.

The Secretariat of the Committee thereafter sorts all forms submitted by Judicial Officers in accordance with designed format and compliance guidelines which will be seen later in this presentation.

The purpose of the Committee is not to witch-hunt, intimidate, oppress or create fear in the mind of Judicial Officers in the course of performing their Constitutional and Statutory judicial duties. Rather, the Committee ensures that Judicial Officers are upright in the discharge of their responsibilities by doing their best competently, diligently and in accordance with their oath of office. Moreso, Judicial Officers are to bear in mind the need to discharge their judicial duties without delay or interference. Judicial Officers of superior courts of record should therefore not be scared of the Committee. They should see the Committee as fellow Judicial Officers/Nigerians who perform same functions and understand the challenges and the conditions under which they operate. Members of the Committee are human beings with human faces, even in the face of critical situations where a decision is to be taken on the non-performance of a Judicial Officer. It should be noted that in some instances of non-performance or non-submission of returns, the Committee sees a defaulting Judicial Officers as colleagues and thereby tempers justice with mercy. In view of this, a Judicial Officer has nothing to fear when he or she is up and alive to his or her duties.

What the Committee does not tolerate and would not tolerate under any circumstance is a repeated act of non-performance as a result of indolence, nonchalant attitude and impunity where it can be inferred from the submission made by a Judicial Officer or where he or she recklessly makes a false submission. Impunity and/or recklessness occur where a Judicial Officer relinquishes his or her responsibilities of collating and submission of the quarterly performance return to his or her subordinate without perusing same before signing for submission to the Head of Court for onward transmission to the Committee. It should be noted that a Judicial Officer may be sanctioned where he/she carelessly or without proper scrutiny signs a return made to him before submitting it to the Committee. In view of the above, the Committee has mandated all Heads of Court to ensure that correct submissions are made by all Judicial Officers under them.

I need not remind us as Judicial Officers that we must be conscious of the oath of office we swore to on our appointment as Judicial Officers. This is provided in the 1999 Constitution (as amended), particularly in the Seventh Schedule to the Constitution, which states thus:

“I, do solemnly swear/affirm that I will be faithful and bear true allegiance to the Federal Republic of Nigeria; that as Chief Justice of Nigeria/Justice of the Supreme Court/President/Justice of the Court of Appeal/Chief Judge/Judge of the Federal High Court/President/Judge of the National Industrial Court/Chief Judge/Judge of the High Court of the Federal Capital Territory, Abuja/Chief Judge of State/Judge of the High Court of State/Grand Kadi/Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Abuja/ Grand Kadi/Kadi of the Sharia Court of Appeal of State/President/Judge of the Customary Court of Appeal of the Federal Capital Territory, Abuja/President/Judge of the Customary Court of Appeal ofState. I will discharge my duties, and perform my functions honestly, to the best of my ability and faithfully in accordance with the Constitution of the Federal Republic of Nigeria and the law, that I will abide by the Code of Conduct contained in the Fifth Schedule to the Constitution of the Federal Republic of Nigeria; that I will not allow

**my personal interest to influence my official conduct or my official decisions; that I will preserve, protect and defend the Constitution of the Federal Republic of Nigeria.
So help me God.”**

SIGNIFICANCE OF THE COMMITTEE

The Committee amongst other things has been effective in playing its crucial role in its evaluation and supervisory capacity.

1. Records have proved that since its inception, the Committee has been serving as a watchdog and guide towards ensuring that Judicial Officers are not lazy, idle, indolent, reckless and incompetent or perform their duties with impunity. It has thereby ensured that Judges are diligent.
2. The Committee has contributed in no small measure to the improvement of performance and the standard of performance of Judicial Officers.
3. It has also contributed immensely to the indirect decongestion of the dockets of our Courts.
4. It has also through its visits to various jurisdictions found out the problems or causes of delay in the dispensation of justice or non-performance of Judicial Officers.
5. It has helped the Council in no small measure in the discharge of its duties by coming up with rules, procedures and guidelines as to the way of moving the Nigeria Judiciary forward.
6. It has helped the Council in the selection of very good and competent hands for elevation to higher Bench in the sense that whenever an appointment is to be made to the higher Bench, the record of the Performance Evaluation Committee is looked into, and the performance of Judicial Officers will be considered from the record. That is why in some cases a junior Judicial Officer whose performance report is better than that of his or her senior is eventually elevated to higher Bench. This is one of the considerations in the assessment of Judicial Officers for elevation to higher Bench.
7. The Committee has a gamut of scoring or assessing of Judicial Officers. The chart below depicts the guidelines as laid down by the Committee for assessing Judicial Officers.

(See attached pages 8(i)-8(ix) for prototype of Performance Evaluation Assessment Forms of superior courts of record), which are tagged in the following order:

- A – Court of Appeal
- B – Federal High Court
- C – National Industrial Court
- D – High Court of the FCT
- E – Sharia Court of Appeal of the FCT
- F – Customary Court of Appeal of FCT
- G – States High Courts
- H – Sharia Court of Appeal of States
- I – Customary Court of Appeal of States;

While the attached pages 8(x) – 8(xiii) which are tagged ‘L’ – ‘O’ represent the charts for personal monitoring of performance as will be elucidated later in this presentation.

From the charts above, assessments are compartmentalized. A column may be dedicated to Civil, Criminal, Motion, Fundamental Rights Enforcement or for Appeal cases. The columns are required to be conscientiously and fairly completed for making returns as expected of Judicial Officers. The minimum numbers of cases that may guide for assessment, grading or scoring of Judicial Officers’ performance are as shown in the successive chart here under.

This Assessment Score Sheet serves as guidelines for assessing and scoring the performance of Chief Judges of superior courts of record over a period of three months, which makes a quarter.

**NATIONAL JUDICIAL COUNCIL
MONITORING COMMITTEE ON THE PERFORMANCE OF JUDICIAL OFFICERS OF SUPERIOR COURTS OF RECORD**

2015 REPORT OF ASSESSMENT OF RETURN OF CASES

COURT OF APPEAL

S/NO.	NAME OF JUDGE AND DIVISION OF COURT	DURATION (QUARTERLY)	CASES	TOTAL NO. OF CASES IN QTR.	JUDGMENTS ON CONTESTED CASES	NON-CONTESTED AND STRUCK-OUT CASES	DECISIONS OF INTERLOCUTORY PROCEEDINGS		TOTAL CASES DISPOSED IN THE QTR.	PENDING CASES AT END OF QTR.	TOTAL NO. OF CONTESTED CASES (CIVIL & CRIMINAL)	COMMITTEE'S ASSESSMENT
							CONTESTED	NON-CONTESTED				

AGES OF CASE: less than 2 years =
 2 yrs – 5 yrs =
 More than 5 yrs =

REMARK:

RELATIVE AGES OF PENDING CASES AS AT 3RD QTR, 2015

TYPES OF CASES	< 2 YEARS	2YRS – 5 YRS	>5 YRS	TOTAL
CIVIL				
CRIMINAL				
MOTIONS				
FHR				

PAGE:

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2015 REPORT OF ASSESSMENT OF RETURN OF CASES

FEDERAL HIGH COURTS

S/NO.	NAME OF JUDGE AND DIVISION	DURATION (QUARTERLY)	CASES	TOTAL NO. OF CASES IN QTR.	JUDGMENTS ON CONTESTED CASES	NON-CONTESTED AND STRUCK-OUT CASES	DECISION OF	TOTAL CASES DISPOSED IN THE QTR.	PENDING CASES AT END OF QTR.	TOTAL NO. OF CONTESTED CASES (CIVIL & CRIMINAL)	COMMITTEE'S ASSESSMENT
							INTERLOCUTORY PROCEEDINGS CONTESTED/NON-CONTESTED				

AGES OF CASE: less than 2 years =

2 yrs – 5 yrs =

More than 5 yrs =

REMARK:

RELATIVE AGES OF PENDING CASES AS AT 3RD QTR, 2015

TYPES OF CASES	< 2 YEARS	2YRS – 5 YRS	>5 YRS	TOTAL
CIVIL				
CRIMINAL				
MOTIONS				
FHR				

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2015 REPORT OF ASSESSMENT OF RETURN OF CASES

NATIONAL INDUSTRIAL COURT

S/NO.	NAME OF JUDGE	DURATION (QUARTERLY)	CASES	TOTAL NO. OF CASES IN QTR.	JUDGMENTS ON CONTESTED CASES	NON-CONTESTED AND STRUCK-OUT CASES	DECISION OF INTERLOCUTORY PROCEEDINGS		TOTAL CASES DISPOSED IN THE QTR.	PENDING CASES AT END OF QTR.	TOTAL NO. OF CONTESTED CASES (CIVIL & CRIMINAL)	COMMITTEE'S ASSESSMENT
							CONTESTED	NON-CONTESTED				

AGES OF CASE: less than 2 years =
2 yrs – 5 yrs =
More than 5 yrs =

REMARK:

RELATIVE AGES OF PENDING CASES AS AT 3RD QTR, 2015

TYPES OF CASES	< 2 YEARS	2YRS – 5 YRS	>5 YRS	TOTAL
CIVIL				
CRIMINAL				
MOTIONS				
FHR				

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