

**REVIEW OF THE BOOK *JUDICIAL ETHICS & CODE OF CONDUCT  
FOR THE NIGERIAN BENCH***

*Prof Obiaraeri, N.O.<sup>1</sup>*

**1.0 Introduction and formal particulars of the book under review**

Let me will preface this review by stating the formal particulars of the book which are as follows:

<b>BOOK TITLE:</b>	<b><i>JUDICIAL ETHICS &amp; CODE OF CONDUCT FOR THE NIGERIAN BENCH</i></b>
<b>AUTHOR:</b>	<b>EMPEROR N. IWUALAESQ</b>
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<b>ISBN NO:</b>	<b>978 978 5931563</b>
<b>PAGES:</b>	<b>281</b>
<b>CHAPTERS:</b>	<b>18 (EIGHTEEN)</b>
<b>SCHEDULES/ANNEXTURES</b>	<b>3 (THREE)</b>
<b>COVER PRICE:</b>	<b>NOT STATED</b>

The book under review is a crucial chronicle of the irreducible minimum code of conduct for judicial officers in Nigeria. *Section 6* of the Constitution of the Federal Republic of Nigeria, 1999 as amended created the judiciary as an arm of government and expressly created the superior Courts with the Supreme Court as the apex Court. This book is both a fascinating and illuminating rendition of the “dos and don'ts” for the members of the Bench. As Hon Justice Amadi, JCA, adroitly put it in the Foreword at page vii, “It is the first of its kind. Most publications on the subject of this book are mostly found in seminar papers and lectures. A standard textbook like the instant one is not very common. The book is unique. It is a literary work that combines commentaries on the Code of Conduct for Judicial Officers and Code of Conduct for Public Officers in Nigeria. This book also has decided cases and incidences of disciplinary measures on different provisions of judicial codes and ethics.”

Of a truth, many Nigerians do not know that Judicial Officers are subject to a codified Code of Conduct for which reason they erroneously believe that Judicial Officers can and do act anyhow they want. Besides, many do not know that Judicial Officers must exercise their judicial discretion judiciously as required by the Code of Conduct for Judicial Officers, hence the erroneous impression that Judicial Officials act irascibly or wantonly. How judicial discretion should be exercised was adumbrated in *Oyekanmi v NEPA*<sup>2</sup>

*Prima facie* what are the rules that guide the exercise of a Court's discretion. It has been said first that a Judge must act judicially, on known principles. He should not take into consideration extraneous matters, and he should not fail to consider something which he ought to have taken into consideration. *Egerton v. Jones* (1939) 3 All ER 889; *Solanke v. Abiola* (1968) 1 All NLR 46, 52. The Judge should also act judiciously. There would be a balanced consideration of the

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<sup>1</sup> Prof Obiaraeri, N.O., LL.B (Hons), B.L., LL.M., Ph.D is a Professor of Law and former Dean, Faculty of Law, Imo State University, Owerri, Nigeria. Former Chairman of NBA Okigwe Branch, former Member of NBA NEC and former Fellow/Visiting Scholar, Human Rights Institute, Columbia University, New York, NY, USA.

<sup>2</sup> (2000) LPELR-2873(SC) (Pp. 34 paras. D) per Ogundare, JSC.

facts for each party before he arrives at a proper exercise of his discretion. *University of Lagos v. Aigoro* (1985) 1 NWLR (Pt. 1) 143, per Bello JSC at 148.

Furthermore, it settled law that a discretion is exercisable not on the mere figment of the person doing so but upon facts or circumstances necessary for the proper exercise of that discretion. This is a well-established principle. Hence it is the law that a discretion should be exercised judicially and judiciously, that is to say, reasonably, in the sense that relevant matters are taken into consideration while extraneous or irrelevant matters are avoided and a decision which suits the occasion is arrived at.<sup>3</sup>

The book under review is a useful guide to Judicial Officers as well as exposition to the general public of what they need to know about the Code of Conduct of Judicial Officers in the discharge of the enormous sober and solemn responsibilities entrusted on them under *section 6* of the Constitution of the Federal Republic of Nigeria, 1999 as amended.

## **2.0 Structure or content**

This is a book of 281 pages made up of 18 chapters. Chapter one, pages 1 to 26, deals with Meaning of Ethics and Code of Conduct-, Meaning of Bench; Code of Conduct for Judicial Officers in Nigeria; Who is a Judge/Judicial Officer?; Status of a Judge in the Society; Importance of Judicial Ethics and Code of Conduct. Chapter two, pages 27 to 32, deal with proper dressing. Chapter three, pages 33 to 41 deal with comportment.

Chapter four, pages 42 to 48 deals with judicial temperament while chapter five, pages 49 to 57 addresses judicial courage. In chapter seven, pages 58 to 80, the author discusses impartiality while compulsory attendance to official and approved functions is discussed in chapter eight spanning from pages 81 to 83. Chapter nine, pages 84 to 95, interrogate professional competence. Chapter ten, pages 96 to 101 deals with bar management. The author made a case for judicial independence in chapter eleven, pages 102 to 113.

Chapter 11, pages 102 to 118, deals with fear of God while the issue of incorruptibility is discussed in chapter thirteen, pages 119 to 152. Chapter fourteen, pages 153 to 159, examined the vexed question of membership of associations. Chapter fifteen, pages 160 to 161, discusses aspects of the Code of Conduct on chieftaincy title. Chapter sixteen, pages 162 to 168, examines engagement in business and extra judicial activities while chapter seventeen, pages 169 to 175 deals with engagement in law practice as a lawyer. The last chapter 18, pages 176 to 202 deals with enforcement of code of conduct on judicial officers.

The book has three important schedules namely: Revised Code of Conduct for Judicial Officers of the Federal Republic of Nigeria, 2016; Code of Conduct for Public Officers 5th Schedule 1999 Constitution of the Federal Republic of Nigeria (As Amended); and Judicial Discipline Regulation, 2017. The back-cover blurb contains information about the book and about the author as a seminal writer of many books.

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<sup>3</sup>This was the kernel of the decision in *University of Lagos v Aigoro* (1985) 1 NWLR (Pt. 1) 143 at 148; *Oyeyemi v. Irewole Local Government* (1993) 1 NWLR (Pt. 270) 462 at 484 and cited per Uwaifo, JSC in *CBN & Anor v Okojie & Ors* (2002) LPELR-836(SC) (Pp. 12 paras. B).

### 3.0 General comments and criticisms

Generally speaking, this book is a must have for all judicial officers. This book accentuates that anyone exercising judicial power must act responsibly and ethically. In the case of *A-G Lagos State v Dosunmu*,<sup>4</sup> Obaseki, JSC, as he then was offered a timeless meaning of "judicial power" as follows:

Judicial power therefore, means the power which every sovereign authority must of necessity have to decide controversies between its subjects or between itself and its subjects whether the rights relates to life, liberty or property [*Huddard etc. v. Moorehead* 8 C.L.R. 330 at 357, per Griffith, C.J.] and enforce the decision. If a body which has power to give a binding and authoritative decision is able to take action to enforce that decision, but then only then, all the attributes of judicial power are present see *Rola co. (Aus.) Pty Ltd. v. Commonwealth* (1944) 69 C.L.R. 185 per Lathan, C.J.N When it is said that a court has jurisdiction in any matter, all that is meant is that a court's authority to adjudicate upon the matter is part of the judicial power of the courts depending on whether the court is established by the Constitution for the Federation or the State.

Although this book contains maze of invaluable information, it must be pointed out that it is not error free. For instance, there is a wrong spelling of "Chapter" as "Chpter" at page vi. This however does not detract from the utility and value of the book which has robustly addressed the need for judicial probity, integrity, courage, punctiliousness. The call for judicial independence from pages 102 to 113 is remarkably courageous as there is not much that can be achieved with the judiciary under the suffocating grip of the executive arm of government.

### 4.0 Conclusion

The ideas expressed in this book makes it a compelling read for judicial officers, lawyers, law teachers, legal researchers, law students, and the general public. Courtesy of this book, the Code of Conduct for members of the Nigerian Bench is no longer a secret or restricted information. It is believed that Nigerian judges will continue to be honest and courageous in order to live up to their constitutional roles as both bulwark of democracy and the last hope of the common and uncommon man.

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<sup>4</sup> (1989) LPELR-3154(SC) (Pp. 80-81 paras. G).