



**MODEL GUIDELINES AND
PROCEDURAL RULES ON
JUDICIAL APPOINTMENT
AND DISCIPLINE FOR LOWER
COURTS**

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Access to Justice

9E Badagry Road, Off Marine Road,
P.O. Box 1868, Apapa, Lagos, Nigeria.

Phone: +234 1 4546877

E-mail: info@accesstojustice-ng.org

Website: www.accesstojustice-ng.org

MODEL GUIDELINES & PROCEDURAL RULES FOR THE APPOINTMENT OF JUDICIAL OFFICERS OF LOWER COURTS

PREAMBLE

In recognition of the important role that a competent and strong Judiciary plays in a democratic State, and in order to increase public satisfaction with the services performed by courts as well as improve public confidence in the [... State] Judiciary, it has become important to focus more attention on strengthening the quality and strength of the process for appointing lower court judicial officers in compliance with the National Judicial Policy 2016 issued by the National Judicial Council. These Guidelines shall be known, therefore, as the **GUIDELINES & PROCEDURAL RULES FOR THE APPOINTMENT OF LOWER COURT JUDICIAL OFFICERS OF ... STATE**

These Guidelines also seek to enhance public access to judicial offices, and the transparency of the process for filling judicial positions.

RULE ONE

1. The Judicial Service Commission [or Committee, whichever is applicable] shall comply with these Rules whenever it proposes to embark on the process for appointment of candidates or a candidate to judicial office in the lower court of the State.
2. The Chief Judge/Chairman of the Judicial Service Commission [Committee], shall cause to be issued;
 - a. A call for expression of interest by suitable candidates by way of public notice which shall be placed on the website of the Judicial Service Commission [Committee], Notice Boards of the Courts and Notice Boards of the Nigeria Bar Association Branches and in 2 newspapers which have a wide circulation in the State where possible.
 - b. The Chief Judge/Chairman of the Judicial Service Commission [Committee] shall write to the respective Branches of the Nigerian Bar Association in the State advising that they bring to the notice of suitable candidates the call for expression of interest.
 - c. The Call for expression of interest shall specifically prohibit lobbying activities by or for the candidates applying for the positions.
3. Any person nominating a candidate for the position must do so in writing and indicate clearly and in detail, that he/she has sufficient personal and professional

knowledge of the candidate's requisite attributes for a reasonable period of time as would make him/her competent to make the nomination. He/she shall expressly certify that from his/her personal knowledge of the candidate, the candidate possesses the qualities set out in Rule 4 (3)(i-iii) or 4(3)(iv) or (v) (as applicable) of these Rules;

4. The call for expression of interest shall specify the closing date for the receipt of applications and/or nominations for the position.

RULE 2

1. At the expiration of the closing date for the receipt of applications and nominations, the Judicial Service Commission [or Committee] shall conduct a written test to be taken by the applicants/nominees. The test shall be administered in a way that is transparent, and the results from the test collated and appraised objectively.
2. The Judicial Service Commission [or Committee] shall, thereafter, make a provisional shortlist on the merits of the candidates. The candidates shall subsequently undergo an oral interview administered by the Judicial Service Commission [or Committee] and the results of the interview, together with the results of the written tests shall be collated and each candidate's performance in the written test and oral interview graded accordingly from the highest scoring candidates to the lowest.
3. In conducting the written tests and interview, the Judicial Service Commission [or Committee] may, in order to guarantee the fairness, transparency and objectivity of the process and enhance its credibility, engage an external body with professional expertise and capacity in conducting professional tests and examinations to conduct the tests and grade the performance of the candidates; in instances where this option is exercised, due consideration shall be given to the financial implications of engaging the external body.
4. The Judicial Service Commission [Committee] shall then draw up a provisional shortlist of candidates intended to be appointed at the particular time.
5. In carrying out the provisional short-listing exercise, the Judicial Service Commission [Committee] shall take the following into consideration, as much as possible:
 - (i) professional expertise and competence and, for this purpose, may establish any criteria it deems fit regarding to the number of judicially-decided cases which such candidates must have completed;
 - (ii) sound knowledge of law,
 - (iii) seniority at the Bar,

- (iv) geographical spread where necessary, without compromising the independence of the Judiciary or allowing political considerations or pressures to influence the appointment.
6. The Judicial Service Commission [Committee] shall not include in the provisional shortlist any person whose reputation in the locality is notoriously low or has been tarnished or a person who is known to be of disrepute
 7. Where the Judicial Service Commission [Committee] has excluded any person from the provisional shortlist on any of the grounds stated in Rule 3(7), such fact shall be stated in the provisional shortlist placed before the Judicial Service Commission [Committee].

RULE 3

1. After the short-list is drawn up, and within a period specified for doing so, the shortlist shall be:
 - a. Uploaded to the website of the Judicial Service Commission [Committee] together with a request calling on members of the public who have information reflecting on the suitability of the shortlisted persons to forward such information to the Commission physically or electronically.
 - b. Placed on the Notice Boards of the lower courts in the State, particularly in the lower court to which the recruitment exercise more specifically relates, alongside the request contained in Rule 3(1)(b);
 - c. Circulated to the State branches of the Nigerian Bar Association together with a request contained in Rule 3(1)(b);
2. The Judicial Service Commission [Committee] may make such further enquiries about the candidate from reputable sources as to the suitability of each candidate as it deems fit.
3. Upon the expiration of the period for submitting confidential or other information on the candidates, the Chairman of the Judicial Service Commission [Committee] shall convene a meeting of the Commission [Committee] to consider all the representations received concerning the suitability of the short-listed candidates.
4. Where the Judicial Service Commission [Committee] has received any adverse comments with respect to any candidate(s) on the shortlist suggesting that the candidate(s) is/are unfit or unsuitable to hold the position of a judicial officer of the lower court, and if upon a preliminary inquiry the comments do not appear to be frivolous and intentionally malicious, the Commission shall investigate the substance

of the information or allegations made against the candidates(s), and, for this purpose, the Commission [Committee] shall extend an adequate opportunity to the candidate to respond to the claims made with respect to him/her.

5. The Judicial Service Commission [Committee] may, after such an investigation, decide to dismiss the allegations made against a candidate and proceed with the appointment of such a person where it finds no merit in them, or, where it finds any allegations against such a person established against such a person, reject the candidate and discontinue with the consideration of such candidate(s) for appointment.

RULE 4

1. The Judicial Service Commission [Committee] may, notwithstanding a pending investigation of the allegations made against any particular candidates, proceed with the consideration of other candidates against whom no adverse allegations or information has been received; the Judicial Service Commission shall however conduct the investigation of any allegations against any candidates who have applied or have been nominated for appointment with expedition and dispatch, so as not to exclude otherwise eligible candidates from consideration;
2. In exercising its responsibilities in making appointments to judicial offices, the Judicial Service Commission [Committee] shall take into account the fact that persons exercising judicial powers hold very important and sensitive offices as well as have enormous powers and authority. Accordingly, the Commission [Committee] shall regard the following qualities as essential requirements for the selection of suitable candidates for any judicial office;

In all cases:

- i. Good character and reputation, diligence and hard work, honesty, integrity and sound knowledge of law and consistent adherence to professional ethics;

As may be applicable:

- ii. Active successful practice at the Bar, including satisfactory presentation of cases in Court as a Legal Practitioner either in private practice, in a legal organization or as a Legal Officer in any Public Service;
- iii. Credible record of teaching law, legal research in a reputable University or institution and publication of legal works, and in addition to any or all of the above:
- iv. In the case of appointment of a candidate to the office of Kadi of a Sharia Court, knowledge of Arabic language and of written and oral grammar.
- v. In the case of appointment of a candidate to the office of judge of a Customary Court, knowledge of local customs and of written and oral grammar.

- vi. Every candidate must demonstrate the ability to read and write intelligibly in English language, in addition to any other language skills considered necessary for the specific needs of the judicial office advertised.
- vii. A candidate shall be disqualified and shall not be recommended for appointment if found to have been involved in:-
 - a. canvassing or lobbying for the appointment directly or indirectly in any form and/or through any person or persons, such as but not limited to, politicians, traditional rulers, public officers or other Judicial Officers;
 - b. bad behaviour, whether in or out of Court;
 - c. influence peddling;
 - d. any act of dishonesty or corruption or corrupt practice either, on behalf of himself or of any Judicial Officer or professional colleague;
 - e. rendering dishonest or questionable legal opinion or advice or suppression of truth and suggestion of falsehood in any legal matter in dealing with colleagues, clients, or the Courts of Law;
 - f. deliberate improper or wrong completion of the applicable recruitment Form with intent to deceive or mislead;
 - g. submission of false credentials and or deceitful or fraudulent curriculum vitae;
 - h. or is shown to have very limited exposure to practice at the Bar and conduct of cases in the Superior Courts of Record.
- viii. The decision of the Judicial Service Commission [Committee] in respect of the selection or appointment of a person into a judicial office of a lower court shall be authenticated by the Minutes of the Commission [Committee] duly adopted and signed by the Chairman and Secretary of the Commission [Committee] wherever the need arises.

RULE 5

- I. Based on the results of the written and oral interviews, the Judicial Service Commission [Committee] will thereafter publish the full list of successful candidates from the shortlist. No candidate who has not taken part in the assessment as provided for in these Guidelines shall be appointed.

**These Guidelines have been adopted by the State/Federal Judicial Service Commission
[Committee] on the day of 2019**

MODEL JUDICIAL and COURT EMPLOYEE DISCIPLINE REGULATIONS

1. CITATION AND COMMENCEMENT

These Regulations may be cited as the Judicial Discipline Regulations and shall come into force on the day of..... 20.....

2. SCOPE

These regulations govern allegations and complaints of misconduct against judicial officers of lower courts as well as court employees employed by the State Judicial Service Commission [Committee] in exercise of the power of conferred on the JSC pursuant to Part 11 of the Third Schedule of 1999 Constitution of the Federal Republic of Nigeria as amended, to exercise disciplinary control over judicial officers and other employees of the State Judiciary against whom allegation of misconduct has been made

3. INTERPRETATION

In these Regulations-

“Chairman” means Chairman of the State Judicial Service Commission [Committee];

“Complaint” means a complaint containing allegations of misconduct against a judicial officer or a court employee;

“JSC” means the State Judicial Service Commission or the Judicial Service Committee of the Federal Capital Territory Section established by section 197 of the 1999 Constitution of the Federal Republic of Nigeria;

“Constitution” means the Constitution of the Federal Republic of Nigeria 1999 as amended;

“Disability” means a temporary or permanent condition that renders a judicial officer or court employee unable to discharge the duties of either the judicial office or those of court administration;

“Head of Court” means a holder of the offices of the Chief Judge of the Federal High Court, President of the National Industrial Court, Chief Judge of the High Court of the Federal Capital Territory, Chief Judge of a state, Grand Kadi of the Sharia Court of Appeal of the Federal Capital Territory, Grand Kadi of the Sharia Court of Appeal of a State,

President of the Customary Court of Appeal of the Federal capital Territory, and President of the Customary Court of Appeal of a State;

“Judicial Office” means the office of a Magistrate,

“Judicial Officer” means the holder of any judicial office of a lower court, such as Magistrates, judges and members of Area Courts, Alkali/Kadis of Sharia courts and judges of Customary Courts and any other person exercising judicial office in the state;

“Misconduct” includes conduct prejudicial to the expeditious administration of the business of the courts or any conduct described as misconduct in the Constitution and the Code of Conduct for Judicial Officers and Code of Conduct for Court Employees;

“Secretary” means the person appointed as Secretary of the Judicial Service Commission [Committee];

“Subject judicial officer” means a judicial officer against whom a complaint of misconduct is made to the JSC.

4. TIME LIMIT WITHIN WHICH A COMPLAINT MUST BE MADE

1. A complaint must be made within six months of the event or matter complained of; provided that a complaint relating to a continuing state of affairs may be made at any time while that state of affairs continues or within six months from when it ends.
2. Subject to Regulation 5, a complaint made outside the time limits set in paragraph (1) may be dismissed by the JSC upon report to the Commission by the Secretary to the JSC.
3. The Secretary shall notify the person making the complaint of the dismissal not later than thirty days of such dismissal.

5. EXTENSION OF TIME LIMITS FOR MAKING COMPLAINTS

1. The Chief Judge/Chairman of JSC may extend a time limit under these regulations, whether or not the time limit has expired, where there is good reason to do so.
2. A person who is refused an extension of a time limit under paragraph (1) may make a representation to the Chief Judge/Chairman of JSC asking the Chairman, within fourteen working days of being notified of the refusal asking him/her to refer the request for an extension to the JSC.

6. FAILURE TO COMPLY WITH TIME LIMITS

- (1) Where in the course of disciplinary proceedings any person who fails to comply with the relevant time limit set by anyone empowered to do so, the person exercising the function to set time limit may-
 - i. continue to deal with the case,
 - ii. treat representations made outside the time limit as if they have not been made,
 - iii. complete any report that s/he may be empowered to make,
 - iv. recommend the dismissal of the case where the default is by the person who made the complaint or any person acting on his behalf.
- (2) Where the time for taking a step or doing an act relating to the complaint by the complainant is expressly set in the particular case by the JSC, the complaint may be dismissed.

7. FORM OF COMPLAINT

1. A complaint must be in writing, unless the Chief Judge/Chairman of JSC, or a Head of Court or the JSC considers that in the circumstances it is reasonable to accept a complaint in another form.

Provided that where a complainant is unable to make his complaints in the English Language, an officer of the court shall listen to his/her grievance and reduce same into writing and the complainant shall then append his signature or thumbprint to an illiterate's jurat which shall accompany the Complaint.

2. A complainant may use a form prescribed by the JSC and appended to these regulations.
3. A complaint must contain a concise statement that details the specific facts on which the claim of misconduct or disability is based. The statement of facts should include a description of:
 - i. what happened;
 - ii. when and where the relevant event happened;
 - iii. any information that would help the investigator to check the facts;
 - iv. nature of the misconduct alleged, itemized where several types of misconduct are alleged; and
 - v. for an allegation of disability, any additional facts that form the basis of the allegation.
4. A complaint may be typewritten or otherwise presented in a legible form. The Secretary may not accept an illegible complaint for filing and may return it to the complainant with a request to resubmit it in a legible form.

5. A complaint must be signed by the complainant and accompanied by a verifying affidavit deposed to by the complainant before a Court of Record.
6. A complaint must contain a contact address provided by the complainant. Such contact address must not be solely postal box number, but must include either an address where the complainant can be located or a current email address and telephone number. The Secretary may not accept a complaint for filing if the address given is vague. Where in addition to a contact address a telephone number is given, such telephone number must have been registered in the name of the complainant or an identifiable person whose name is stated.
7. The complainant must verify in writing the truth of the facts alleged in the complaint. Any complaint not so verified shall be rejected for filing by the Secretary or by the Preliminary Complaint Assessment Committee also known as the 'Sifting Committee'.
8. The Secretary may request the complainant to provide as many copies of the complaint as may be required in hard or soft copies or in both.

8. INITIATION OF COMPLAINT

Where to file a complaint

- (1) Except as provided in these regulations, a complaint against a judicial officer or court employee must be addressed to the Chief Judge/Chairman of JSC and any complaint so received shall be filed at the Office of the Secretary to the JSC.

Action by recipient of Complaint

- (2) In this paragraph "recipient of complaint" means the Chief Judge/Chairman or Head of Court to whom a Complaint has been submitted.
- (3) The recipient of a complaint shall make and retain a copy of the complaint and forward the original to the Secretary within four days of the receipt of a Complaint.

Action by the Secretary

- (1) The Secretary shall cause the complaint to be registered in a register in a Complaint Registry established by the Secretary in the Office of the Secretary.
- (2) The register shall contain the date of the complaint, the date of filing or receipt of the complaint, the serial number assigned to the complaint by the Secretary pursuant to Regulation 8(4), the name of the complainant, the name of the judicial officer or court employee subject of the complaint, a remarks column recording action taken and such other information as the Secretary may prescribe.
- (3) Upon receiving a complaint filed against a Judicial officer or court employee, the Secretary shall open a file and assign a serial number to the complaint.

- (4) The Secretary shall promptly seek further directives from the Chief Judge/Chairman of JSC with regard to the complaint in circumstances as the Chief Judge/Chairman of JSC may from time to time prescribe.

9. WITHDRAWAL OF COMPLAINT

- (1) The complainant may expressly withdraw a complaint at any time.
- (2) A complaint may be treated as withdrawn, if the complainant indicates in writing that s/he does not wish to continue with the complaint on the ground that the subject matter of the complaint has been resolved or that new information has been received that indicates that the complaint is misguided or unfounded.
- (3) If a complaint is withdrawn, but the JSC considers that the matters which it raised are sufficiently serious for further consideration to be necessary, the JSC may direct that the complaint shall be considered further under these regulations or under rules made under these regulations.
- (4) Subject to Regulation 6(1)(iii) if a complaint is withdrawn or treated as withdrawn at any time the Secretary shall report that fact to the JSC for any further action as the JSC may direct.

10. PRELIMINARY COMPLAINT ASSESSMENT COMMITTEE

- (1) The JSC may establish a Preliminary Complaint Assessment Committee.
- (2) Upon receipt of a complaint, the Chairman of the JSC shall refer it to a Preliminary Complaint Assessment Committee where such has been established.
- (3) The Preliminary Complaint Assessment Committee shall review the complaint referred to it and advise the JSC whether the complaint should be:
 - i. dismissed;
 - ii. terminated and not proceeded with because an intervening event has taken the complaint;
 - iii. terminated because remedial action has been taken that makes action on the complaint no longer necessary;
 - iv. referred to the subject judicial officer or court employee for his response;
 - v. referred to an investigation committee should his/her response not be sufficient to dispose of the matter without an investigation

11. ACTION BY THE PRELIMINARY COMPLAINT ASSESSMENT COMMITTEE

- (1) In determining what advice to render, the Preliminary Complaint Assessment Committee shall study the complaint carefully so as to render a reasoned advice to the JSC; and may:

- i. In writing or otherwise communicate with the subject judicial officer or court employee for clarification of certain points as the Committee may find necessary; or to respond to the complaint in some limited respects as may help the Committee in advising the JSC.
 - ii. Communicate orally or in writing with the subject judicial officer or court employee to inquire about any intervening events that may make it unnecessary to proceed with the complaint, such as retirement of the Judicial officer or court employee, or resignation; or such other intervening events that may make inquiry into the complaint academic.
- (2) The Preliminary Complaint Assessment Committee may advise a dismissal of the complaint if it is of the opinion that:
- a) the complaint does not adequately particularize the matter complained of; provided that the Committee shall not advise a dismissal under this ground unless it has given the complainant a reasonable opportunity to provide adequate particulars of the complaint and the complainant has failed to do so;
 - b) it is about the merits of a judicial decision, a procedural ruling or judicial case management, and raises no question of misconduct;
 - c) the action complained of was not done or caused to be done by a judicial officer or court employee;
 - d) it is vexatious and an abuse of the complaint procedure;
it is without substance or, even if substantiated, would not require any disciplinary action to be taken;
 - e) it is on the fact of it untrue, mistaken or misconceived;
 - f) it raises a matter which has already been dealt with, whether under these regulations or otherwise, and does not present any new material evidence;
 - g) it is about a person who no longer holds any judicial office or is currently in the employment of the JSC.
 - h) it is about the private life of a Judicial officer or court employee and could not reasonably be considered to affect his/her suitability to hold judicial office or perform functions related to the administration of the court;
 - i) it is about the professional conduct in a non-judicial capacity of a judicial officer or a non-administrative function of a court employee and could not reasonably be considered to affect his/her suitability to hold judicial office or perform functions related to the court; and

- j) for any other reason it does not relate to misconduct of a judicial officer or court employee.
- (3) The Preliminary Complaint Assessment Committee shall not advise the JSC to dismiss a complaint-
- a) on the ground that it is about the merits of a judicial decision that a case or matter is unduly delayed, where the complaint includes supported allegations that the Judge is induced by an improper motive in deciding or delaying a case or matter. An improper motive includes an inducement by a bribe; or improper contacts with parties or counsel for one side in a case;
 - b) on the ground that the Judge failed to recuse himself/herself from a case, where a complaint includes supported allegations that a failure to recuse was not only wrong but was ill-motivated-in particular, that the judicial officer knew of a good ground for recusing but, for illicit reasons, deliberately failed to heed it; and
 - c) if a complaint includes supported allegations that a Judge exhibited bias by making personally derogatory remarks irrelevant to the issues, or treated litigants and counsel with extreme hostility while on the bench.
- (4) The Preliminary Complaint Assessment Committee shall as soon as it completes a review of a complaint submit its report to the JSC through the Secretary who shall promptly place it before the JSC.
- (5) The report of the Preliminary Complaint Assessment Committee shall contain concise statement of the facts and show the grounds and reasons for the Committee's recommendation.
- (6) Where the JSC accepts the recommendation of the Preliminary Complaint Assessment Committee that the complaint be referred for investigation, it shall direct that a copy of the complaint with the JSC's decision be sent to the subject judicial officer or court employee.
7. The Judicial Service Commission upon its acceptance of the recommendation of the Preliminary Assessment Committee shall notify the complainant of its decision and the service of the complaint on the subject judicial officer or court employee.
- (8) Upon receipt of the complaint, the subject Judicial officer or court employee shall file a reply within fourteen (14) days, and such response shall be accompanied by an affidavit deposed to by him before a Court of Record.
- (9) The response of the subject judicial officer or court employee shall be served on the complainant.

12. REFERENCE TO AN INVESTIGATION COMMITTEE

- (1) Where the JSC has decided that a complaint be referred to an investigation Committee, the JSC shall immediately appoint an investigating Committee to investigate the complaint or particular part of the complaint as it may direct and to report and make recommendations to the JSC.

13. COMPOSITION OF INVESTIGATING COMMITTEE

- (1) An investigating Committee shall be composed of such number of persons as is determined by the JSC, but shall not be less than three persons and may include a member of the JSC.
- (2) The Chairman of the investigating Committee, shall be appointed by the JSC from among the Members of the Committee.
- (3) The Chairman of the investigating committee must be of a higher judicial rank than the subject of the disciplinary proceedings; and, the members of Committee whether serving or retired Judicial officers or administrative officers shall be of a higher rank than the subject of the disciplinary proceedings or of the same judicial or administrative rank as the subject of disciplinary proceedings. In relation to a retired Judicial officer or court employee, reference to his Judicial or administrative rank means the rank s/he held immediately before s/he ceased to hold Judicial or administrative office.

14. TERMS OF REFERENCE OF INVESTIGATING COMMITTEE

- (1) The terms of reference for the investigation by the investigating Committee shall be such as the JSC may decide. In undertaking the investigation of the complaint, the Investigating Committee shall;
 - (a) notify the subject judicial officer or court employee and any complainant of its proposals for the conduct of the investigation; the substance of the misconduct alleged and whether it proposes to take oral evidence;
 - (b) invite the subject Judge and any complainant to make representations on its proposals;
 - (c) record any representations which those persons may make;
 - (d) inform the subject judicial officer or court employee and the complainant of their right to counsel;
 - (e) exercise its discretion and announce its decision whether other witnesses may have counsel present when they testify.

- (2) All testimony taken at the hearing shall be given under oath or affirmation and recorded.
- (3) The rules of evidence do not apply to investigating Committee's hearings.
- (4) The complainant shall be given an opportunity to produce evidence and call witnesses.
- (5) At any hearing of the investigating Committee the subject Judicial officer or court employee has the right to present evidence, to compel the attendance of witnesses, and to compel the production of witnesses and to cross examine, in person or by counsel, Committee witnesses.
- (6) The subject judicial officer or court employee and the complainant may submit written argument to the investigating Committee and shall be given reasonable opportunity to present oral argument at an appropriate stage of the investigation.
- (7) The investigating Committee may take oral evidence if it considers it necessary to do so.
- (8) The investigating Committee must arrange for any evidence given orally to be recorded in a transcript or by electronic recording.

15. THE REPORT OF INVESTIGATING COMMITTEE

- (1) The investigating Committee may, if it deems fit, forward a copy of its draft report; or a part of the report; or a summary of the report excluding its recommendations, as the Committee deems material to the subject judicial officer or court employee and the complainant and invite each of them to make a representation about it within fourteen days of delivery of the draft.
- (2) After considering any representations the investigating Committee shall within thirty days of the representations complete its report.
- (3) The investigating Committee shall immediately submit to the JSC through the Chairman of the JSC a comprehensive report of its investigation, including its findings and recommendation for JSC action.
- (4) The report shall be accompanied by a statement of the vote by which it was adopted and signed by the Chairman and all members of the Committee together with any dissenting or separate statements of Committee members.
- (5) The investigating Committee report to the JSC must contain:
 - (a) its findings of facts on each of the allegations in the complaint;
 - (b) whether the case is substantiated or not;

- (c) if the case is substantiated the nature of misconduct or misconducts or disability found;
- (d) whether disciplinary action should be taken, and if so what disciplinary action should be taken; and
- (e) findings with regard to any other matters in its terms of reference.

16. PROPOSED DISCIPLINARY ACTION, NOTIFICATION AND FINAL DECISION

1. Upon a consideration of the report of the investigating Committee the JSC may decide:
 - (a) that the case is unsubstantiated and dismisses it
 - (b) the case is substantiated wholly or in part, but does not require further action and dismisses it.
 - (c) the case is substantiated wholly or in part, but should be dealt with informally by the Chief Judge/Chairman of the JSC or any person nominated by him where the misconduct is not serious or grave;
 - (d) the case is substantiated wholly or in part and
 - (i) the JSC will exercise one or more of its disciplinary powers-
 - a) to censure or reprimand the subject judicial officer or court employee; or
 - b) to suspend the subject judicial officer or court employee; or
 - c) to direct that the subject judicial officer or court employee be put on a 'watch list' for the purpose of monitoring his conduct or ability to perform the functions of his/her office for a period specified by the JSC; or
 - d) to prohibit the nomination of the subject Judge for appointment to a higher judicial office for a specified period or permanently;
 - (ii) the JSC will exercise its power to recommend that the subject judicial officer or court employee be removed from judicial office.
2. The decision taken in Rule 16(1) above shall be notified to the following persons:
 - i. The complainant
 - ii. The subject judicial officer or court employee
 - iii. The head of the relevant court.

MISCELLANEOUS

17. WATCH LIST

- (1) The JSC shall establish a watch list to record the names of judicial officers or court employees as the JSC may determine for the purpose of monitoring-
 - (a) the conduct in relation to his/her office and performance of a judicial officer or court employees whose conduct has been subject of allegation of misconduct or disability and such allegation has been found established but a sanction of removal from judicial or administrative office has not been imposed by the JSC; or
 - (b) the performance of a Judicial officer or court employee whose performance has consistently fallen below standard of Performance set by the JSC or a department of the JSC and approved by the JSC; or
 - (c) the conduct in relations to a judicial officer or court employee who has a reputation of habitually disregarding the Code of Conduct for Judicial Officers or the Code of Conduct for Court Employees.
- (2) The JSC shall prescribe the duration for which such name shall remain on the watch list and the factors that will engender the removal of the name from the watch list.
- (3) The JSC may determine that a judicial officer or court employee whose name is on the watch list may not be eligible for consideration for elevation to a higher judicial or administrative office for as long as his/her name remains on the watch list.
- (5) The JSC shall make rules for recording and removal of names from the watch list and for monitoring the conduct of a judicial officer or court employee whose names are placed on the watch list.

18. ABUSE OF THE JUDICIAL MISCONDUCT OR DISABILITY COMPLAINT PROCESS

- (1) Any person who abuses the judicial misconduct or disability complaint process by filing frivolous or repetitive complaints may be restricted by the JSC from filing further complaints.
- (2) Such person shall first be given an opportunity to show cause in writing why his/her right to file further complaints should not be restricted.

Made by the State Judicial Service Commission on the day of..... 20....