

Code of Ethics for Judicial Officers

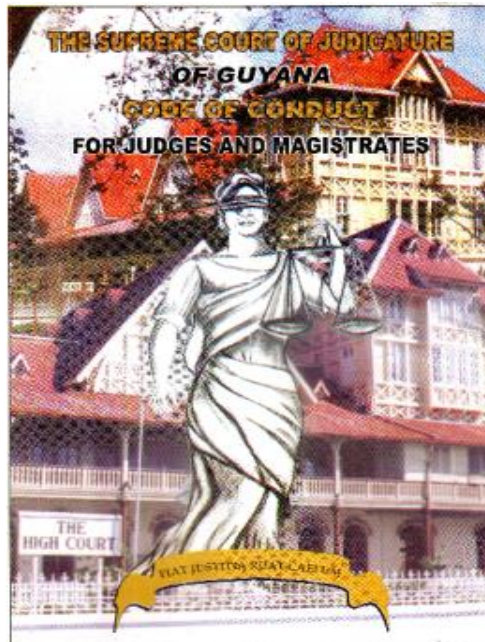
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Fiat justitia ruat caelum

Guyana

GUYANA
CODE OF ETHICS FOR JUDICIAL OFFICERS
Second edition, 2021



First edition, 2003

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FOREWORD

An independent judiciary is indispensable to the administration of justice and the rule of law. Similarly, the integrity of judicial officers and their accountability to the public are indispensable for the administration of justice in a fair and transparent manner. Judicial officers can and do face ethical questions in their professional and personal lives and the need to be guided by a body of values and rules is an imperative. A standard of judicial excellence is thus required. The utility of a Code of Ethics is therefore undeniable.

The Code of Ethics underscores the fact that an independent and impartial judiciary is a fundamental pillar of the rule of law and good governance.

The first publication of a *Code of Conduct for Judges and Magistrates in Guyana* was done in November 2003.

It reinforced standards of ethical judicial conduct and adopted the well-recognised values of Propriety, Independence, Integrity, Impartiality, Equality, Competence, Diligence and Accountability.

These core values by which judicial officers must be guided have, overtime, been expanded. While the overarching principles of judicial conduct are immutable, there is the need for modernisation. There is the need to keep abreast with societal developments and be responsive to the social context in which judicial officers operate. The case for revision was made.

Recognising the need for review and the implementation of modern best practices, I commissioned a committee comprising judges and magistrates to revise the existing Code of Conduct. This committee had extensive consultations with all judicial officers. It also considered present-day contentious issues confronting judicial officers and fashioned a document reflective of modern realities and values to inform judicial conduct. The dedication of the committee is applauded and their efforts are truly appreciated. I am pleased to say that we have a refreshed, refined, modern Code of Ethics.

This revised Code of Ethics captures a wider range of judicial personnel involved in the delivery and administration of justice. It expands on the range of judicial officers to include Commissioners of Title, Registrar, Deputy Registrar and Assistant Registrars.

This Code of Ethics builds on the original Code of Conduct of 2003, the Bangalore Principles, the Global Judicial Integrity Network, United Nations Office on Drugs and Crime and regional and international Codes of Ethics. It

has taken into account new and emerging issues such as social media and the role of judicial officers on demitting office.

The principles expressed in the Code of Ethics are intended to assist judicial officers with ethical and professional issues as well as give members of the public a better insight and understanding of the judicial role. It also gives an insight into judicial deliberation, when confronting ethical and professional considerations. Providing transparency and promoting public trust and confidence in the judicial system is therefore envisaged.

Judicial officers, apart from taking the oath of office to serve the people of Guyana without fear or favour, affection or ill will, must also embrace rules of ethical conduct in their service. This Code of Ethics assists the judicial officer to conduct himself or herself with decorum and high ethical standards in and out of court. Indeed, everyone must be served by a judicial officer who has integrity, who is impartial, competent and who conducts himself or herself with utmost propriety.

We must be accountable to the public. Exemplary conduct on the part of judicial officers helps to inspire public confidence in the justice system.

A Code of Ethics is by no means an exhaustive expression of the professional and ethical conditions by which a judicial officer must be guided. It is not intended to derogate from existing rules of law which bind judicial officers. In fact, it complements the law.

I have the confidence that this Code of Ethics will be adhered to by all and viewed as an expression of the highest ethical standards of service and justice to the people of Guyana.

Let justice be done with Propriety, Independence, Integrity, Impartiality, Equality, Competence and Diligence. Let us be accountable to the people we serve!

Yonette Cummings-Edwards, OR, CCH
Chancellor of the Judiciary (ag)
October 5th, 2021



Kaieteur Falls

PREAMBLE

WHEREAS the Constitution of the Co-operative Republic of Guyana upholds the rule of law and principles of fundamental justice;

WHEREAS the Constitution bestows on each citizen the right to equality before the law and the right to a fair hearing before an independent and impartial tribunal;

WHEREAS the independence of the judiciary is essential to upholding and promoting the rule of law and good governance;

WHEREAS judicial officers of Guyana have pledged to serve the people of this nation to ensure that they have access to justice;

WHEREAS it is necessary for judicial officers, individually and collectively to respect and honour their judicial office as a public trust and to strive to enhance and maintain confidence in the judicial system;

AND WHEREAS the following principles and rules affirm the standards and best practices of ethical conduct;

AND WHEREAS they are recognised in *The Bangalore Principles of Judicial Conduct*, the *United Nations Human Rights Commission*, *The Global Judicial Integrity Network*, *The United Nations Office on Drugs and Crime* and other international and regional Codes of Ethics;

AND WHEREAS judicial officers are resolved in both their individual and collective capacities to uphold the principles;

The VALUES which this Code of Ethics upholds are:

- (a) Propriety;
- (b) Independence;
- (c) Integrity;
- (d) Impartiality;

- (e) Equality;
- (f) Competence and Diligence; and
- (g) Accountability

DEFINITIONS

- ‘*Court staff*’ includes the Judicial Officers’ Registrar or Clerk, Marshal, Police Orderlies, and all support staff assigned to the judicial officer.
- ‘*Fiduciary*’ includes such relationships as executor, administrator, trustee and guardian.
- ‘*Financial interest*’ means ownership of a legal or equitable interest or a relationship with another person as director, advisor, manager or other active participant in that other’s affairs. It includes:
 - (a) the proprietary interest of a shareholder in a limited liability company, a policy holder in a mutual insurance company, a depositor in a mutual savings association, or a similar proprietary interest in the issuer only if the outcome of the proceeding could substantially affect the value of the interest;
 - (b) ownership of government securities in the issuer if the outcome of the proceedings could substantially affect the value of the securities; and
 - (c) mere ownership in a mutual or common investment fund that holds securities only if the judicial officer participates in the management of the fund. Provided that a judicial officer by virtue of him or her holding office in any educational, religious, charitable, fraternal or civic organisation shall not be deemed to have a financial interest in the securities held by those organisations.
- ‘*Judicial officer*’ includes Judges of the Supreme Court of Judicature, Commissioners of Title, Magistrates, Registrar, Deputy and Assistant Registrars of the Supreme Court of Judicature.
- ‘*Judicial officer’s family*’ refers to a judicial officer’s spouse, former spouse, son, daughter, son-in-law and daughter-in-law, and also includes

any other close relative or person who is a companion or employee of the judicial officer.

- ‘*Spouse*’ includes domestic partner of the judicial officer or any other person in a close personal relationship with the judicial officer.
- ‘*Third degree of relationship*’ means great-grandparent, grandparent, parent, uncle, aunt, brother, sister, grandchild, great-grandchild, nephew, niece or cousin.
- ‘*Gift*’ means any gratuity, favour, discount, entertainment, hospitality, loan, or other similar item having monetary value but does not include:
 - (a) social hospitality based on personal relationships;
 - (b) modest items, such as refreshments offered as a matter of social hospitality at a social event;
 - (c) items with little intrinsic value such as trophies, plaques and certificates, which are presented solely to honour the judicial officer;
 - (d) loans from banks and other financial institutions on terms that are available based on factors other than the judicial officer’s status;
 - (e) rewards and prizes given to competitors in contests or events, including random drawings, that are open to the public and that are available based on factors other than the judicial officer’s status;
 - (f) scholarships or fellowships awarded to judicial officers by bodies generally accepted or motivated by public service or granted on the same terms and based on the same criteria as are applicable to other recipients;
 - (g) anything for which market value is paid by the judicial officer.



Jaguar

I. PROPRIETY

Statement:

Propriety and the appearance of propriety are essential to the performance of all of the activities of a judicial officer.

Principles:

- 1.1 A judicial officer shall avoid impropriety and the appearance of impropriety in all of his or her activities.
- 1.2 As the object of constant public scrutiny, a judicial officer must accept such personal restrictions of their activities as are consonant with the office. In particular, a judicial officer shall conduct himself or herself in a way that is consistent with the dignity of the office.
- 1.3 Such personal restrictions shall include but are not limited to:
 - 1.3.1 where, with whom and in the manner in which the judicial officer socialises, the judicial officer's associations with controversial groups, organisations and/or litigants, or knowingly with associates of litigants, and
 - 1.3.2 inappropriate contact with all parties, and members of the legal fraternity who currently appear in matters engaging the judicial officer's attention either as a witness, counsel, defendant or interpreter.
- 1.4 Save in exceptional circumstances or out of necessity, a judicial officer shall not participate in the determination of a case in which any member of the judicial officer's family represents a litigant or is associated in any manner with the case.
- 1.5 Judicial officers shall not permit the use of their residence by members of the legal profession to receive clients in circumstances that may reasonably give rise to the suspicion or appearance of bias or impropriety on their part.

- 1.6 A judicial officer shall, upon appointment, cease all partisan political activity or involvement in politics. A judicial officer shall refrain from conduct that may give rise to the appearance that he or she is engaged in political activity, whether by endorsement, publication or support on any form of social media, print, press, telephone, radio, by music or lyrics or any other means.
- 1.7 A judicial officer must not:
- 1.7.1 be a member of a political party;
 - 1.7.2 engage in political fund raising;
 - 1.7.3 attend political gatherings and political fund-raising events;
 - 1.7.4 contribute to political parties or their campaigns;
 - 1.7.5 take part publicly in controversial discussions of a partisan political character;
 - 1.7.6 engage in conduct as a member of a group or organisation or participate in a public social media discussion, which might, in the mind of a reasonable, fair-minded and informed person, undermine confidence in the judicial officer's impartiality with respect to any issue that may come before the courts.
- 1.8 A judicial officer shall not use or lend the prestige of the judicial office to advance his or her private interests or those of a member of his or her family.
- 1.9 A judicial officer may engage in the following activities, provided that such involvement does not affect the proper performance of judicial duties:
- 1.9.1 writing, lecturing, teaching and participating in activities concerning the law, the legal system, the administration of justice and related matters.
 - 1.9.2 appearing at a public hearing before an official body concerned with matters relating to the law, the legal system and the administration of justice or related matters.

- 1.9.3 serving as a member of an official body devoted to the improvement of the law, the legal system, the administration of justice or of any other public body of which the Chancellor may approve.
 - 1.9.4 speaking publicly on non-legal subjects and engaging in historical, educational, cultural, sporting or other social and recreational activities if such activities do not detract from the dignity of the judicial office or otherwise interfere with the performance of judicial duties.
 - 1.9.5 participating in social, sports/sporting, civic, religious and charitable activities that do not reflect adversely on the judicial officer's impartiality or interfere with the performance of judicial duties.
- 1.10 Judicial officers should inform themselves about their personal and fiduciary financial interests and should make reasonable efforts to be informed about the financial interests of their family members.
 - 1.11 Confidential information acquired by a judicial officer in the judicial officer's judicial capacity shall not be used or disclosed by the judicial officer for personal gain.
 - 1.12 A judicial officer shall not practice law whilst holding judicial office.
 - 1.13 A judicial officer may form or join associations of judicial officers or participate in other organisations representing the interests of judicial officers to promote professional training and to protect judicial independence.
 - 1.14 A judicial officer and members of the judicial officer's family must not ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by the judicial officer in connection with the performance of judicial duties.

- 1.15 A judicial officer shall not knowingly permit court staff or others subject to the judicial officer's influence, direction or authority, to ask for or accept any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done in connection with his or her duties or functions.
- 1.16 A judicial officer may receive compensation and reimbursement of expenses for the extra-judicial activities permitted by this Code, if such payments do not give the appearance of influencing the judicial officer in the performance of judicial duties or otherwise give the appearance of impropriety.
- 1.17 A judicial officer shall make such financial disclosures and pay all such taxes as are required by law.
- 1.18 A judicial officer should never make any comment in public or otherwise that might affect the fair trial of any person or issue.
- 1.19 A judicial officer speaks once through his or her judgment. It is well established that a judicial officer does not comment publicly once reasons for judgment have been published, even to clarify ambiguity.
- 1.20 A judicial officer must not make use of a judicial letterhead in correspondence unrelated to their official duties in circumstances where the use of the letterhead might be taken to suggest a request for, or expectation of, some form of preferential treatment.
- 1.21 A judicial officer should not testify voluntarily as a character witness.
- 1.22 A judicial officer should not serve as an executor, administrator, trustee, guardian or other fiduciary, save in respect of the estate or trust of persons connected with a member of the judicial officer's family. Such service must not interfere with the proper performance of judicial duties.
- 1.23 A judicial officer is required to live an exemplary life both on and off the bench. A judicial officer must behave in public with the sensitivity and self-control demanded of judicial office. A display of injudicious

temperament is demeaning to the processes of justice and inconsistent with the dignity of the office.

- 1.24 Retired judicial officers must be aware that their conduct and actions after retirement can impact upon the public's esteem of judicial office. Therefore, even in retirement, former judicial officers must conduct themselves in a manner consistent with maintaining the dignity and integrity of the judicial system.
- 1.25 After leaving judicial office, judicial officers should allow reasonable time to elapse before accepting employment, appointments to a board or commission, as in retirement, a former judicial officer may still be regarded by the general public as a representative of the judiciary. Related issues, requiring similar approaches, may arise in relation to overtures to the judicial officer while still on the bench for post-judicial employment. Such overtures may come from law firms or prospective employers. There is a risk that the judicial officer's self-interest and duty may be seen to conflict in the eyes of a reasonable, fair minded and informed person considering the matter. A judicial officer should examine such overtures in this light. It should always be remembered that the conduct of former judicial officers may affect public perception of the judiciary. Therefore, any activity that might tarnish the reputation of the judiciary should be avoided.

Social Media Responsibilities:

- 1.26 The Bangalore Principles of Judicial Conduct and its commentaries, this Code and other regional and international codes of judicial conduct and judicial ethics apply to judicial officers' digital lives as much as to their real lives.
- 1.27 Judicial officers, like every citizen of Guyana, are entitled to freedom of expression, belief, association and assembly. However, they should always conduct themselves in a manner which upholds the dignity of their office

and maintains the impartiality and independence of the judiciary. The way a judicial officer uses social media may have an impact on the public perception of all judicial officers and confidence in the judicial system.

- 1.28 Judicial officers are not prohibited from engaging in the use of social media, but where they so do, they must maintain the integrity, decorum and dignity of their judicial office.
- 1.29 Judicial officers must ensure that the level of their social media use does not adversely impact their capacity to perform judicial duties with competence and diligence or bring their office into disrepute.
- 1.30 Judicial officers may use their real names on social media, provided that doing so does not offend ethical standards and existing rules. The use of pseudonyms is neither recommended nor forbidden. However, in their behaviour on social media, judicial officers must comply with all ethical standards related to their profession. Pseudonyms should never be used to enable unethical behaviour on social media.
- 1.31 Judicial officers must avoid expressing views or sharing personal information online that can potentially undermine judicial independence, integrity, propriety, impartiality, the right to fair trial or public confidence in the judiciary.
- 1.32 Judicial officers must exercise due care and diligence when creating online friendships and connections and/or accepting online friend requests. Judicial officers should be circumspect in tone and language and be professional and prudent in respect of all interactions on social media platforms.
- 1.33 Judicial officers must consider whether there is any digital content on social media antedating their ascension to the bench which might damage public confidence in their impartiality or in the impartiality of the judiciary in general. Where there is such content, it must be removed.

- 1.34 If a judicial officer has been insulted or abused online, he or she should seek advice from senior judicial colleagues or resort to other mechanisms in place in the judiciary and must refrain from responding directly.
- 1.35 A judicial officer must refrain from following or liking advocacy groups, campaigns, or analysts where an association with them could erode public confidence in the judicial officer's impartiality or the impartiality of the judiciary.
- 1.36 Judicial officers must not use their social media accounts and/or presence to advance their own or a third-party's financial or business interests.
- 1.37 Judicial officers must not accept or send friend requests from or to parties, their legal representatives, witnesses or any other persons who are interested in matters engaging the judicial officer's attention, nor engage in any other social media interactions with them.
- 1.38 Judicial officers must inform their families, close friends and court staff about the ethical obligations of judicial officers and how use of social media can interfere with those obligations.
- 1.39 Judicial officers must not make any comment or engage in any conduct on social media that might be improper. Judicial officers must not make any post or comment, or like, react and/or share any post or comment which is defamatory, political, racist, sexist or discriminatory.

COMMENTARIES:

- I. The test for impropriety is whether the conduct compromises the ability of the judicial officer to carry out judicial responsibilities with integrity, impartiality, independence and competence. It may also be whether the conduct of the judicial officer is likely to create, in the mind of a reasonable observer, a perception that the judicial officer's ability to carry out judicial responsibilities is impaired.

- II. Judicial officers should in their personal relations with individual members of the legal profession avoid situations that might reasonably give rise to the suspicion of appearance of favouritism or partiality.
- III. Judicial officers may accept invitations to privately hosted functions or events, provided that:
 - (a) their presence at such functions or events does not demean their office; and
 - (b) might not reasonably be perceived as intended to influence them in the performance of judicial duties or otherwise give rise to appearance of partiality.
- IV. A judicial officer may hold and manage appropriate personal and/or family investments but should refrain from financial and/or business dealings which tend to reflect adversely on the judicial officer's impartiality. Judicial officers must not have any investment that interferes with the proper performance of judicial duties, exploit their judicial office or involve him/her in frequent transactions with attorneys-at-law or persons likely to come before the court in which the judicial officer serves.
- V. A judicial officer should be aware that letters attesting to the character of individuals may be considered as advancing the private interests of those individuals.
- VI. Judicial officers should not use or lend prestige of judicial office to advance their or anyone else's private interests.

- VII. Judicial officers should not encourage or permit others to convey the impression that anyone is in a special position to influence them in the performance of their duties.
- VIII. A judicial officer, like all other citizens is entitled to freedom of expression, belief, association and assembly. However, in exercising such rights, a judicial officer should always conduct himself or herself in such a manner as to preserve the dignity of the judicial office and the impartiality and independence of the judiciary.
- IX. A judicial officer, like every other citizen, is entitled to a social life. A judicial officer is required to observe high standards of conduct in his or her social life. Therefore, a judicial officer is prohibited from visiting social venues of ill repute, being inebriated and conducting himself or herself poorly within public view.
- X. Social contact between members of the judiciary and members of the legal profession is a long-standing tradition and is proper. Judicial officers do not live in ivory towers but in the real world, and are not expected to sever all of their ties with the legal profession upon assuming judicial office. It would not be entirely beneficial to the judicial process for judicial officers to isolate themselves from society, including school friends, former associates and colleagues in the legal profession. Indeed, a judicial officer's attendance at social functions with lawyers may offer some benefits. The informal exchanges such functions allow may help to reduce tensions and alleviate some of the isolation from former colleagues that a judicial officer experiences upon elevation to the judicial office. Nonetheless, a judicial officer should act on the basis of common sense and exercise caution.

- XI. Having a social relationship with a lawyer who regularly appears before a judicial officer is fraught with danger and entails a balancing process. On the one hand, the judicial officer should not be discouraged from having social or extrajudicial relationships. On the other hand, the obvious problem of the appearance of bias and favouritism exists when a friend or associate appears before the judicial officer. The judicial officer is the ultimate arbiter of whether that judicial officer has an excessively close or personal relationship with a lawyer or has created that appearance. The judicial officer will have to decide where to draw the line. The test is whether the social relationship interferes with the discharge of judicial responsibilities, and whether a disinterested observer, fully informed of the nature of the social relationship, might reasonably entertain significant doubt that justice will be done.
- XII. Where a judicial officer is socially involved in a dating relationship with an attorney-at-law, the judicial officer should not, ordinarily, sit on cases involving that attorney-at-law, unless the appearance is purely ceremonial.
- XIII. Attempts to influence judicial officers may come from many sources, including social media. Judicial officers must not have communications on social media relating to matters that could come before the court. Social media activities of judicial officers must be undertaken in ways that avoid compromising public confidence in the judiciary.
- XIV. A judicial officer must not engage in activities on social media that could be interpreted as insensitive, disrespectful and/or implying that a person or persons appearing before the court will not be afforded a fair hearing, or equal consideration and respect.



Kaieteur National Park, Amazon Rainforest

II. INDEPENDENCE

Statement:

An independent judiciary is indispensable to impartial justice under the law. A judicial officer should therefore participate in establishing, maintaining and enforcing high standards of conduct. He or She shall personally observe those standards so that the integrity and independence of the judiciary in both its individual and institutional aspects will be preserved.

Principles:

- 2.1 A judicial officer shall exercise judicial functions independently on the basis of the judicial officer's assessment of the facts and in accordance with a conscientious understanding of the law, free of any extraneous influences, inducements, pressures, threats or interference, direct or indirect, from any quarter or for any reason.
- 2.2 In performing judicial duties, a judicial officer shall, within the judicial officer's own court, be independent of judicial colleagues in respect of decisions which the judicial officer is obliged to make independently.
- 2.3 A judicial officer shall reject any attempt, outside the proper process of the court, to influence his or her decision in any matter which he or she is hearing.
- 2.4 A judicial officer shall not only refrain from inappropriate connections and influence by the executive and legislative branches of government, but also must appear to the reasonable observer to be free of such connections and influences.
- 2.5 A judicial officer shall encourage and uphold arrangements and safeguards for the discharge of judicial duties, in order to maintain and enhance the institutional and operational independence of the judiciary.

- 2.6 A judicial officer shall exhibit and promote high standards of judicial conduct in order to reinforce public confidence which is fundamental to the maintenance of judicial independence.
- 2.7 Judicial officers individually and collectively should protect, encourage and defend judicial independence.

COMMENTARIES:

- I. Deference to the judgments and rulings of courts depends upon public confidence in the integrity and independence of judicial officers. The integrity and independence of judicial officers depend in turn upon their acting without fear or favour. Judicial officers are independent, and they must comply with the law, as well as with the provisions of this Code. Public confidence in the impartiality of the judiciary is maintained by the adherence of each judicial officer to this responsibility. Conversely, violation of this Code diminishes public confidence in the judiciary.
- II. Judicial officers must bear in mind that the principle of judicial independence extends beyond the traditional separation of powers and requires that judicial officers be, and be seen to be, independent of all sources of power, influence or outside interests.
- III. Judicial officers should avoid all communications with anyone external to a case that might raise reasonable concerns about judicial independence. Judicial officers must firmly reject improper attempts to influence their decisions. Communications intended to influence a specific judicial decision can only be received within the judicial process.
- IV. At an institutional level, the judiciary requires sufficient autonomy to guarantee that the administration of justice is free from any political or

other improper influence. The judiciary should remain vigilant with respect to any initiative that may have the effect of undermining its institutional or administrative independence. It is recognised that not every proposed change in the administrative arrangements affecting the judiciary constitutes a threat to judicial independence.

- V. Consultation with colleagues is important when points of difficulty arise. However, in performing judicial duties, a judicial officer's decision must be independent of the opinion of colleagues.
- VI. Judicial officers must not interfere with the independence of colleagues.
- VII. The relationship between the judiciary and the other branches of government should be one of mutual respect.



Canje Pheasant

III. INTEGRITY

Statement:

Integrity is necessary for the proper and effective discharge of the judicial office. Judicial officers must conduct themselves respectfully and with integrity to maintain and enhance public confidence in the judiciary.

Principles:

- 3.1 It is incumbent on a judicial officer to ensure that his or her conduct in both private and public life is perceived by a reasonable observer to be above reproach.
- 3.2 The behaviour and conduct of a judicial officer must affirm the nation's faith in the integrity of the judiciary. Justice must not merely be done but must also be seen to be done.
- 3.3 A judicial officer, in addition to observing this high standard personally ought to encourage and support its observance by fellow judicial officers, since questionable conduct by one judicial officer reflects on the entire judiciary.
- 3.4 A judicial officer must treat everyone with civility and respect in the performance of their judicial duties.
- 3.5 A judicial officer must facilitate access to justice for all. Judicial officers must carry out their duties with appropriate consideration for all the parties, whether or not they are represented, and ensure that they are treated fairly and with civility, so as to provide them with reasonable access to court processes.
- 3.6 Judicial officers must not engage in any form of harassment and abuse of authority or status.

COMMENTARIES:

- I. Conceptually, integrity is the attribute of rectitude and righteousness. There are no degrees of integrity: it is absolute, and relative to the judiciary it is considered more than a virtue: it is a necessity. A judicial officer is expected to be good and virtuous in behaviour and in character. A judicial officer must be imbued with integrity at the time of acceptance of his or her appointment, having been possessed of it long before being appointed. Consequently, it is incumbent upon those entrusted with recommending the appointment of a judicial officer to do due diligence relative to this most essential attribute of a judicial officer.
- II. A judicial officer is obliged to uphold the law. Transgression of the law by a judicial officer can bring the judicial office into disrepute, encourage disrespect for the law and impair public confidence in the integrity of the judiciary itself.
- III. Judicial officers should encourage and support their judicial colleagues' observance of ethical principles. Where judicial officers become aware of circumstances that indicate a strong likelihood of unethical conduct by a judicial colleague, they should act in a manner that best ensures that action is taken to preserve public confidence in the administration of justice. Depending on the circumstances, such action may include communication with the Chancellor of the Judiciary or Chief Justice.
- IV. Judicial officers have a responsibility to promote and foster access to justice. In fulfilling their role, judicial officers should be aware of the different ways in which disputes can be resolved fairly and efficiently. Passive neutrality and treating everyone in the same manner may not always be appropriate. Parties often appear before the court as self-

represented litigants. Judicial officers should provide information and reasonable assistance, proactively where appropriate, on procedural and evidentiary rules in those matters. They should also be alert in not compromising judicial impartiality and the fairness of the proceeding.

- V. A judicial officer is expected to maintain high standards in both his or her private life. The rationale behind this is that a judicial officer would invariably, while executing his or her judicial duties, be called upon to adjudicate on matters involving human experiences and conduct. For instance, should a judicial officer condemn publicly what he or she practices privately, the judicial officer will be guilty of double standards in the eyes of any reasonable observer. This inevitably leads to a loss of public confidence in the judicial officer and possibly in the judiciary generally.
- VI. The community looks upon a judicial officer to exhibit and maintain high standards of moral decency and rectitude. Given the nature of a judicial officers' duties and functions, it is the expectation of the public that judicial officers will set and maintain standards of conduct for themselves that are far higher than those demanded of society as a whole. As such, a judicial officer's conduct both in and out of court will be the subject of public scrutiny and comment. Consequently, a delicate balance must be struck between the demands of judicial office and the legitimate prerequisites of the judicial officer's personal life, development and family.
- VII. The conduct of judicial officers towards others is an important aspect of their commitment to integrity and respect. Judicial officers should be attentive to the ways in which offensive remarks, conduct, or inappropriate behavior may adversely affect or intimidate others, particularly those in subordinate positions to the judicial officer. A judicial officer's conduct in

this respect affects their individual reputation and that of the judiciary as a whole.

- VIII. A common concern in the modern workplace is the possibility that authority may be used in inappropriate ways. The workplace of the judiciary is no exception. Judicial officers must refrain from any form of harassment in the workplace. Judicial officers must avoid relationships with others with whom they work or associate that could be reasonably perceived as the judicial officer taking advantage of their position or authority.
- IX. While a judicial officer is expected to set and maintain high standards, he or she must not be out of touch with the public. In their private life judicial officers are entitled to enjoy as much as possible, the rights and freedoms enjoyed by every other member of the community. Both the judicial officer's personal development and the public interest are better served if he or she keeps in touch with the community they serve. An aspect of a judicial officer's duties is judicial fact finding which requires the evaluation of evidence in the light of common sense and experience. As such judicial officers should remain closely in touch with the public and current affairs.



Victoria Regia Lily

IV. IMPARTIALITY

Statement:

Impartiality is essential to the proper discharge of the judicial office. It applies not only to the making of a decision itself but also to the process by which the decision is made.

Principles:

- 4.1 A judicial officer shall perform his or her judicial duties without favour, bias or prejudice.
- 4.2 A judicial officer shall ensure that his or her conduct, both in and out of court, maintains and enhances the confidence of the public, the legal profession and litigants in the impartiality of the judicial officer and of the judiciary.
- 4.3 A judicial officer shall, at all times, conduct himself or herself so as to minimise the occasions on which it will be necessary for him or her to be disqualified from hearing or deciding cases.
- 4.4 A judicial officer shall not knowingly, while a proceeding is before, or could come before him or her, make any comment that might reasonably be expected to affect the outcome of such proceeding. The judicial officer must not do anything to impair the manifest fairness of the process, or make any comment in public or otherwise that might affect the fair trial of any person or issue.
- 4.5 A judicial officer shall disqualify himself or herself from participating in any proceedings in which the judicial officer is unable to decide the matter impartially.
 - 4.5.1. Judicial officers who are members of fraternal or similar bodies must be astute and sensitive to the need to disqualify themselves from hearing a case if the need arises. Persons who are not members of such bodies are likely to conclude that a

litigant, belonging to the same fraternal body as a judicial officer, enjoys an unfair advantage. In such circumstances, it would be appropriate for a judicial officer to disqualify himself or herself in any proceeding in which the impartiality of the judicial officer might reasonably be questioned.

4.5.2. A judicial officer should therefore recognise that transparency assists in combating corruption and suspicion. The judicial officer should encourage judicial colleagues and the court staff to assist in promoting the intrinsic merits of transparent conduct and infusing public confidence in the functions and operations of the court.

4.6 A judicial officer shall disqualify himself or herself from any proceedings in which there may be a reasonable perception of a lack of impartiality of the judicial officer including, but not limited to instances where:

4.6.1 the judicial officer has actual bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceedings;

4.6.2 the judicial officer had served previously as an attorney-at-law or was a material witness in the matter in controversy;

4.6.3 the judicial officer was a partner or an associate having control over the matter in a firm or belonged to Chambers which acted for a party in the matter in controversy, within 5 years of being appointed a judicial officer;

4.6.4 the judicial officer's spouse is acting or has acted as an attorney-at-law or agent in the proceedings;

4.6.5 the judicial officer knows that any member of his or her family is acting as an attorney-at-law or agent in the proceedings;

4.6.6 an attorney-at-law, who is a material witness, was an associate or a partner of a firm or belonged to Chambers to which the

judicial officer was attached within 5 years of being appointed a judicial officer;

4.6.7 the judicial officer, either individually or as a fiduciary, or a member or members of his or her family, has a financial interest in the subject matter in controversy or is a party to the proceeding that could be substantially affected by the outcome of the proceeding;

4.6.8 the judicial officer or his or her spouse or any person within the third degree of relationship to either of them or the spouse of that person is:

- i. a party to the proceeding, or an officer, director, or trustee of a party;
- ii. known by the judicial officer to have an interest that could be substantially affected by the outcome of the proceeding;
- iii. to the judicial officer's knowledge likely to be a material witness in the proceeding.

4.7 A judicial officer's friendship with one of the attorneys-at-law or with a witness is not always a ground for disqualification. All the circumstances should be considered, including the degree of friendship, whether the credibility of the witness is in issue, and the nature of the particular matter. The judicial officer must be certain the friendship will neither affect the decision nor be reasonably perceived as having done so.

4.8 A judicial officer who would otherwise be disqualified on the foregoing grounds may, instead of withdrawing from the proceedings, disclose on the record the basis of such disqualification. If, based on such disclosure, the parties, independently of the judicial officer's participation, agree in writing or on the record, that the judicial officer may participate, or continue to participate, in the proceedings, the judicial officer may do so.

- 4.9 A judicial officer shall inform himself or herself about his or her personal and fiduciary financial interests and shall make reasonable efforts to be informed about the financial interests of members of his or her family.
- 4.10 Disqualification of a judicial officer is not required if necessity obliges the judicial officer to decide the matter in controversy. Instances of necessity would be where no other judicial officer may lawfully do the matter or where, because of urgent circumstances, failure of the judicial officer to participate might lead to a serious miscarriage of justice. In such cases of necessity, the judicial officer shall still be obliged to disclose to the parties in a timely way any cause for disqualification and ensure that such disclosure is included in the record.
- 4.11 Save for the foregoing, a judicial officer has a duty to perform the functions of the judicial office and litigants do not have a right to choose a judicial officer.

COMMENTARIES:

- I. Impartiality is concerned with both perception and the actual absence of bias and prejudgment. This dual aspect of impartiality is captured in the often-repeated words that justice must not only be done, but manifestly be seen to have been done¹. The test is whether a well-informed person, viewing the matter realistically and practically would apprehend a lack of impartiality in the decision maker. Whether there is a reasonable apprehension of bias must be assessed from the point of view of a reasonable, fair minded and informed person.
- II. Judicial officers must act in a manner that promotes public trust and confidence in the independence, integrity and impartiality of the judiciary. This applies to all the judicial officers' activities, including the discharge

¹*R v Sussex Justices, ex parte McCarthy* [1924] 1 KB 256, - Lord Hewitt, C.J.

of their adjudicative and administrative responsibilities. The duty to be respectful of others includes the responsibility to avoid comment or behaviour that can reasonably be interpreted as manifesting prejudice or bias towards another.

- III. Without the public's trust and confidence, the justice system cannot command the respect and acceptance that are essential to its effective operations. The public must therefore perceive the judiciary to be independent and impartial. Impartiality refers to a state of mind or attitude of the judicial officer in relation to the issues and the parties in a particular case.
- IV. The expectations of litigants may be very high, and some will be quick to unjustifiably perceive bias when a decision is not in their favour. No effort must be spared to ensure that reasonable grounds for such perceptions are avoided or minimised. Judicial officers are obliged to treat all parties fairly. Litigants who perceive bias, where no reasonable, fair-minded and informed person would find it, are not entitled to different or special treatment.
- V. Judicial officers must ensure that proceedings before them are conducted in an orderly and efficient manner and that the court's process is not abused. Appropriate firmness is sometimes necessary to achieve this objective. In doing so, judicial officers must ensure that there is equality of treatment for all court users, taking care that judicial demeanour is fair and respectful.
- VI. A judicial officer should not be unduly sensitive and ought not to regard an application for recusal as a personal affront. If the judicial officer does take recusal as a personal affront, his or her judgment is likely to become

clouded with emotion. Should the judicial officer openly convey that resentment to the parties, the result will most probably be to fuel the applicant's suspicion. Where a reasonable suspicion of bias is alleged, a judicial officer is primarily concerned with the *perceptions* held by the person applying for the recusal. It is equally important that the judicial officer should ensure that justice is seen to be done, which is a fundamental principle of law and public policy. The judicial officer should therefore so conduct the trial that open-mindedness, impartiality and fairness are manifest to all those who are concerned in the trial and its outcome, especially the applicant. Accordingly, a judicial officer whose recusal is sought should bear in mind that what is required, particularly in dealing with the application for recusal, is conspicuous impartiality.

- VII. In any case in which a judicial officer decides, for good and sufficient reason, to disqualify him or herself from hearing the matter, he or she shall take all reasonable steps to ensure timely notification to the parties and to the registrar of the court, in order to ensure that appropriate alternative arrangements can be made within a reasonable time for the trial and ultimate disposal of the case.
- VIII. A judicial officer must be available to decide the matters that come before the court. However, to protect the rights of litigants and preserve public confidence in the integrity of the judiciary, there will be occasions when disqualification is necessary. On the other hand, frequent disqualification may bring public disfavour to the bench and to the judicial officer personally and impose unreasonable burdens upon the judicial officer's colleagues. Litigants may get the impression that they can pick and choose which judicial officer will decide their case, and this would be undesirable. A judicial officer should, therefore, organise his or her personal and

business affairs in a way that minimises the potential for conflict with judicial duties.

- IX. In criminal law, judicial officers are often required to hear matters involving an accused who has previously been before the judicial officer charged on a separate matter. Provided the judicial officer can keep an open mind and make the determinations that must be made solely on the evidence adduced at trial, actual bias is not envisaged. However, the extent of the judicial officer's previous interaction with the accused will have to be scrutinised to determine if a reasonable fair-minded and properly informed person would view the judicial officer's prior involvement as a basis for apprehended bias.
- X. It is the function and right of the media to gather and convey information to the public and to comment on the administration of justice, including cases before, during and after trial, without violating the presumption of innocence. This principle should only be departed from in the circumstances envisaged in the International Covenant on Civil and Political Rights. If the media or interested members of the public criticise a decision, the judicial officer must refrain from answering such criticism by writing to the press or making incidental comments about such criticism. A judicial officer should speak only through his or her reasons for judgments in dealing with cases being decided. It is inappropriate for a judicial officer to defend judicial reasons publicly.
- XI. If after the conclusion of a case, the judicial officer receives letters or other forms of communication from disappointed litigants or other persons, criticising the decision or decisions made by colleagues, the judicial officer should not enter into any communication on the issue.



IWOKRAMA CANOPY WALKWAY

EQUALITY

Statement:

Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office.

Principles:

- 5.1 A judicial officer shall be aware of and understand diversity in society and differences arising from various sources, including but not limited to race, colour, gender, religion, creed, national origin, culture, disability, age, marital status, sexual orientation, or gender identity.
- 5.2 A judicial officer shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice towards any person or group on irrelevant considerations, except to take any action to achieve ‘*substantive equality*’ in appropriate circumstances. The principle of *substantive equality* requires the judiciary, in this instance, to take necessary actions to advance access to justice by all court users in a way that is responsive to their particular needs.²
- 5.3 A judicial officer shall carry out judicial duties with appropriate consideration for all persons without unjust differentiation on any irrelevant consideration, immaterial to the proper performance of such duties.
- 5.4 A judicial officer shall not knowingly permit court staff or others subject to the judicial officer’s influence, direction or control, to differentiate between persons concerned in a matter which is before the judicial officer on any irrelevant consideration.

²See also *Withler v. Canada (Attorney General)* 2011 SCC 12, [2011] 1 S.C.R. 396, at paragraph 39 of the judgment of Chief Justice McLachlin and Justice Abella of the Supreme Court of Canada that:

“Substantive equality, unlike formal equality, rejects the mere presence or absence of difference as an answer to differential treatment. It insists on going behind the facade of similarities and differences. It asks not only what characteristics the different treatment is predicated upon, but also whether those characteristics are *relevant considerations* under the circumstances.” [emphasis supplied]

- 5.5 A judicial officer shall require lawyers in proceedings before a court to refrain from manifesting, by words or conduct, bias or prejudice based on irrelevant considerations. This requirement does not preclude legitimate advocacy where any such considerations are legally relevant to an issue in the proceedings.
- 5.6 A judicial officer must not belong to any organisation that engages in or countenances any form of discrimination that contravenes the law.
- 5.7 A judicial officer shall not engage in an independent investigation of the facts of a case except under authority of law and by notice to and with the consent and in the presence of the parties.
- 5.8 A judicial officer shall not, in the absence of the other parties or counsel to proceedings, communicate with any party to the proceedings except under authority of law and by notice to and with the consent of all parties.

COMMENTARIES:

- I. Equality, according to law, is fundamental to justice and is strongly linked to judicial impartiality and to public confidence in the administration of justice. Accordingly, judicial officers should ensure that their commitment to equality is unwavering. Judicial officers must also ensure that their conduct is such that any reasonable and informed member of the public would have confidence in the judicial officer's respect for and commitment to equality.
- II. It is the duty of a judicial officer to recognise and be familiar with cultural and religious diversity in society and to be free of bias or prejudice on any irrelevant considerations. A judicial officer should remain informed about changing attitudes and values in society. He or she should take advantage of suitable educational opportunities that will assist him or her to be and

appear to be impartial, taking care that these efforts enhance and not detract from the judicial officer's perceived impartiality.

- III. A judicial officer should strive to ensure that his or her conduct is such that any reasonable observer would have justifiable confidence in his or her impartiality. A judicial officer should avoid comments, expressions, gestures or behaviour that may be reasonably interpreted as being insensitive and disrespectful. Judicial officers should avoid any conduct which may imply that persons before the court will not be afforded equal consideration and respect. A judicial officer should take care that his or her remarks do not have a racist overtone. Inappropriate comments based on stereotypes linked to gender, race, ethnicity, religion, culture, sexual orientation, gender identity or expression, differing mental or physical abilities, age and socio-economic background, or other conduct must be avoided. Such comments may create the impression that persons before the court will not be afforded equal consideration and respect and must be avoided. Inappropriate statements by judicial officers, in or out of court, have the potential to call into question their commitment to equality and their ability to be impartial.
- IV. A judicial officer must not make improper and insulting remarks about litigants, advocates, parties and witnesses. Judicial remarks must be tempered with caution, restraint, and courtesy.
- V. A judicial officer must avoid engaging in activities on social media that could reasonably reflect negatively on their commitment to equality.
- VI. A judicial officer sets the tone and creates the environment for a fair trial in his or her court. Unequal or differential treatment of people in court, whether real or perceived, is unacceptable. All participants are entitled to

be treated in a way that respects their human dignity and fundamental human rights. A judicial officer must ensure that all participants are protected from any display of prejudice based on irrelevant grounds.

- VII. A judicial officer should ensure that the conduct of court staff subject to the judicial officer's direction and control is consistent with the foregoing standards of conduct. Such conduct should always be beyond reproach. Court staff should refrain from gender insensitive language and behaviour that could be regarded as abusive, offensive, menacing, overly familiar or otherwise inappropriate.
- VIII. A judicial officer has a duty to prevent lawyers from engaging in racist, sexist or other inappropriate conduct. A judicial officer must address clearly irrelevant comments made by lawyers in court or in the presence of the judicial officer that are sexist or racist or otherwise offensive or inappropriate. Speech, gestures or inaction that could reasonably be interpreted as implicit approval of such comments are also prohibited.
- IX. A judicial officer must conduct their personal lives honourably and in ways that would not reasonably be perceived as an endorsement of any invidious form of discrimination. Judicial officers must avoid associations with organisations that engage in or countenance discrimination contrary to law. A judicial officer's membership in such an organisation has the potential to call into question their commitment to equality. It may also erode public confidence in the judiciary. Judicial officers should also be sensitive to the fact that the activities, policies and public positions of some organisations though not unlawful, may still be offensive to legitimate expectations of equality.

- X. Neither the practice of religion or membership in a religious organisation is inconsistent with ethical principles.
- XI. A judicial officer must keep abreast with the international and regional instruments³ that prohibit discrimination against vulnerable groups. These instruments include **The Convention on the Elimination of All Forms of Racial Discrimination** and **The Convention on the Elimination of All Forms of Discrimination Against Women**. The principles that (a) all persons are equal before the court; and (b) the right of every individual to a fair trial without any distinction whatsoever as regards race, colour, sex, language, religion, political or other convictions, national or social origin, means, status or other circumstances, are instructive and in keeping with our constitutional provisions.
- XII. It is the duty of a judicial officer to discharge his or her judicial functions with due respect for the principle of equal treatment of the parties. The judicial officer must avoid any bias or discrimination and maintain a balance between the parties and ensure that each receives a fair hearing.
- XIII. A judicial officer must not be influenced by attitudes based on stereotype, myth or prejudice. A judicial officer should make every effort to recognise, demonstrate sensitivity to and correct such attitudes.

³ See the **Constitution of Guyana, Fourth Schedule**, which sets out the international instruments to which the Government has acceded, and which must be upheld by judicial officers. These are:

- i. Convention on the Rights of the Child
- ii. Convention on the Elimination of All Forms of Discrimination against Women
- iii. Convention on the Elimination of All Forms of Racial Discrimination
- iv. Convention against Torture and Other Inhuman or Degrading Treatment or Punishment
- v. International Covenant on Economic, Social and Cultural Rights
- vi. International Covenant on Civil and Political Rights
- vii. Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women

XIV. A judicial officer should ensure that the court offers equal access to all persons.



Scarlet Ibis

VI. COMPETENCE AND DILIGENCE

Statement:

Competence and diligence are prerequisites for the due performance of judicial office.

Principles:

- 6.1 The duties of a judicial officer are paramount and take precedence over all other activities.
- 6.2 A judicial officer shall devote his or her professional activity to judicial duties. Such duties are broadly defined and include not only the performance of judicial duties in court and in the making of decisions but also other tasks relevant to the court's operations or to the judicial office.
- 6.3 A judicial officer shall take reasonable steps to maintain and enhance his or her knowledge, skills and personal qualities necessary for the proper performance of judicial duties.
- 6.4 A judicial officer shall keep himself or herself informed about relevant developments in the law including international conventions and other instruments establishing human rights norms and, within any applicable limits of constitutional or other law, shall conform to such norms as far as is feasible.
- 6.5 A judicial officer must strive to maintain his or her wellness to optimise the performance of his or her judicial duties.
- 6.6 A judicial officer shall perform all judicial duties, including the delivery of reserved judgments with punctuality, reasonable promptness and with due regard to statutory obligations.
- 6.7 A judicial officer must always be alert to the needs of the self-represented litigant or defendant, vulnerable witnesses and vulnerable parties and must be prepared in such circumstances to provide assistance where necessary and appropriate.

- 6.8 A judicial officer should be mindful of making comments about participants in a matter before the court and should in particular avoid remarks that tend to disparage.
- 6.9 A judicial officer shall maintain order and decorum in all proceedings in which the judicial officer is involved. He or she shall be patient, dignified and courteous in relation to litigants, jurors, witnesses, lawyers and all other persons with whom the judicial officer will interact in an official capacity. The judicial officer shall require similar conduct of legal representatives, court staff and others subject to the judicial officer's influence, direction or control.
- 6.10 A judicial officer shall not engage in conduct incompatible with the diligent discharge of his or her judicial duties.
- 6.11 A judicial officer shall avoid public comment about any proceedings engaging the attention of the courts. A judicial officer shall require similar restraint from all members of the court staff and others subject to the judicial officer's influence, direction and control.
- 6.12 A judicial officer shall abstain from publicly defending his or her decision or judgment once given.
- 6.13 A judicial officer is prohibited from making public or private disclosures of his or her intended decision, that is, prior to the date of its delivery.
- 6.14 A judicial officer shall not be swayed in the discharge of judicial duties by partisan interests, public clamour or fear of criticism.

Administrative Responsibilities:

- 6.15 A judicial officer shall diligently discharge administrative responsibilities, by engaging in the conscientious management of his or her caseload and other duties assigned.

- 6.16 A judicial officer shall require court staff and other persons subject to his or her influence, direction or control to observe the standards of fidelity, confidentiality and diligence.
- 6.17 Where a judicial officer considers that an attorney-at-law may be guilty of professional misconduct, he or she shall, unless he or she treats with the matter, cause the Registrar to report the matter to the Legal Practitioners Committee.

COMMENTARIES:

- I. Competence in the performance of judicial duties requires legal knowledge, skill, thoroughness and preparation. A judicial officer's professional competence should be evident in the discharge of his or her duties. Judicial competence may be diminished and compromised when a judicial officer's conduct is impaired by drugs, alcohol or other mental impairments. It is possible that impairment may be a product of inadequate experience, problems of personality and temperament, and the appointment to judicial office of a person who is unsuitable to exercise it and demonstrates that unsuitability in the performance of the judicial office. In some other cases, this may be the product of an incapacity or disability, for which the only solution may be constitutional removal from office.
- II. Diligence is concerned with the performance of judicial duties in a skillful, careful, attentive and timely way. While judicial officers should exhibit diligence in the performance of their judicial duties, their ability to do so will depend on the burden of work, the adequacy of resources, including staff, technical assistance and time for research, deliberation, writing and other judicial duties apart from sitting in court. The importance of the judicial officer's responsibility to their family is also recognised. Judicial officers should have sufficient vacation and leisure time to permit the

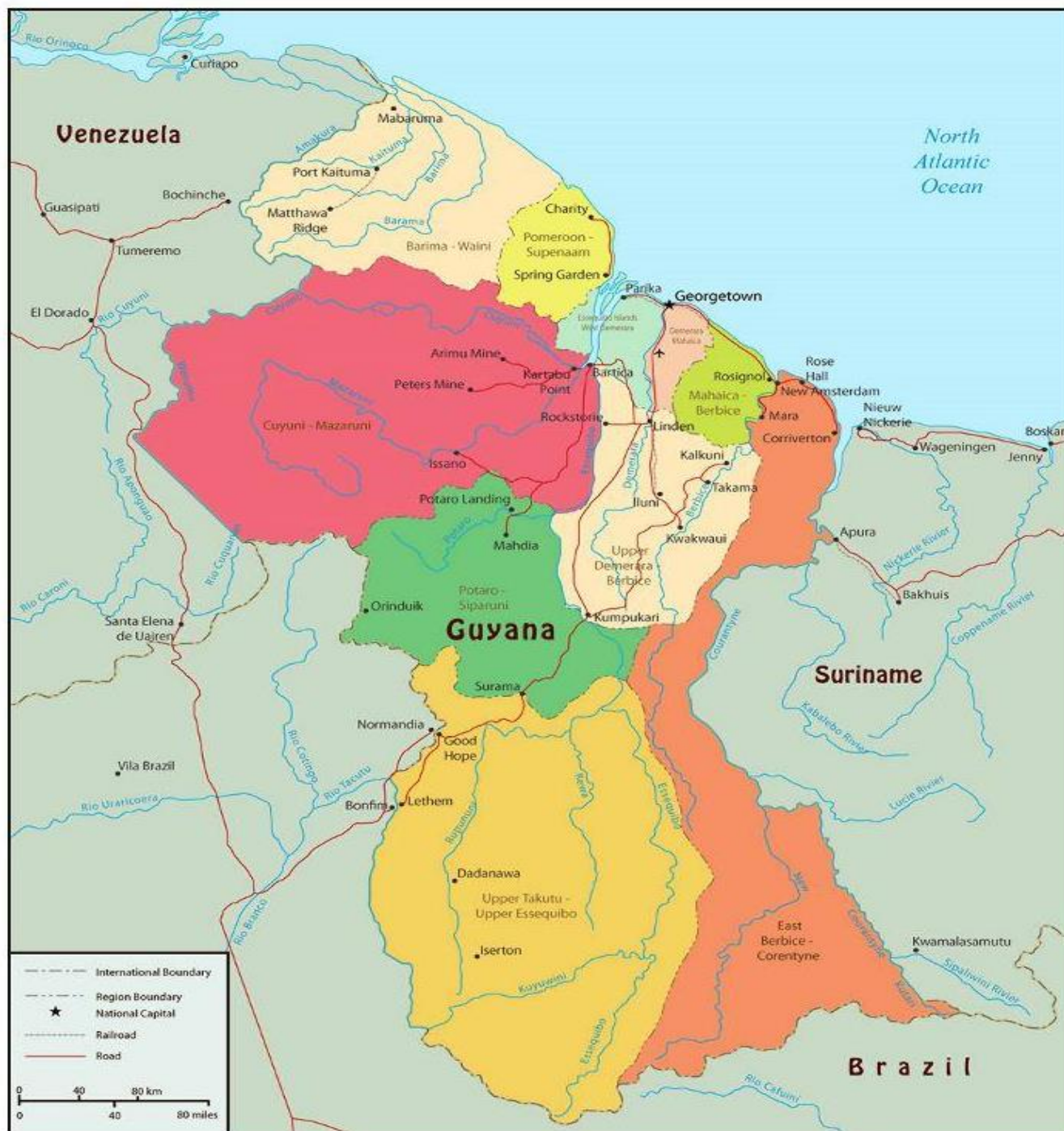
maintenance of physical and mental health and wellness and be afforded reasonable opportunities to enhance their skill and knowledge necessary to carry out their judicial duties in an effective and efficient manner.

- III. A judicial officer's primary duty is the due performance of the judicial function, the principal elements of which involve the hearing and determination of cases and the interpretation and application of the law. A judicial officer should not undertake assignments that take him or her away from judicial duties. Undertaking such activities can result in other judicial officers having to undertake additional duties. A judicial officer should resist any temptation to devote excessive attention to extra-judicial activities where this reduces the judicial officer's capacity to discharge the judicial office. Reasonable observers might suspect that the judicial officer has accepted the extracurricular duties to enhance his or her official income. Extra judicial activities for reward must not be undertaken. The judiciary is an institution of service to the community. It is not just another segment of the competitive market economy.
- IV. A judicial officer has a duty to dispose of matters with reasonable promptness and in a fair and efficient manner employing measures that would reduce or eliminate dilatory practices, avoidable delays and unnecessary costs. A judicial officer should encourage and seek to facilitate settlement, but parties should not be made to feel coerced into surrendering the right to have their dispute resolved by the courts.
- V. The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. A judicial officer can be efficient and business-like while being patient and deliberate.

- VI. Prompt disposition of the court's business requires a judicial officer to devote adequate time to judicial activities, be punctual in attending court and court related activities, and be expeditious in determining matters. Further a judicial officer should ensure that court staff, litigants and their lawyers cooperate with the judicial officer to this end.
- VII. A judicial officer should deliver his or her reserved decisions, as soon as reasonably possible, having due regard to the urgency of the matter, the length or complexity of the case, other work commitments and statutory timelines for the delivery of such judgments.
- VIII. Reasons for a decision should be published by the judicial officer without unreasonable delay and should be in a language and style that can be understood by all court users.
- IX. A judicial officer should institute transparent mechanisms to allow lawyers and litigants to know the status of court proceedings. The courts should introduce publicly known protocols by which lawyers or self-represented litigants may make enquiries about decisions that appear to them to be unduly delayed. Such protocols should make allowance for complaints to an appropriate authority where the delay is unreasonable or seriously prejudicial to a party.
- X. Maintaining professional competence requires judicial officers to engage in continuing legal education and research to keep themselves informed on new developments in the law.
- XI. Judicial officers should develop and maintain proficiency with technology relevant to the nature and performance of their judicial duties. As part of a

judicial officer's commitment to continuing professional development, they should engage in self-assessment and self-development. They should also take responsibility for their standard of knowledge, skill and the development of personal qualities related to judicial duties.

- XII. Judicial duties include administrative and other out of court activities. Judicial officers should exhibit diligence and competence in the performance of all their judicial duties, including adjudication, case management, pre-trial or settlement conferences and participation in court administration.



Map of Guyana, Administrative Regions

VII. IMPLEMENTATION AND ACCOUNTABILITY

Statement:

Implementing these principles and ensuring the compliance of judicial officers with them are essential to the effective achievement of the objectives of this Code. Despite the need to preserve their independence, judicial officers must be mindful that they are accountable to the populace they serve.

Principles:

- 7.1 All judicial officers agree to implement and ensure compliance with the Statements and Principles of this Code.
- 7.2 Judicial officers should as far as practicable, educate family members on the importance of compliance with the Statements and Principles of this Code, in an effort to maintain the institutional integrity of the judiciary.
- 7.3 The implementation of these Statements and Principles shall take into account the legitimate needs of judicial officers. They must be afforded protection from vexatious or unsubstantiated accusations. Any complaint against them must be processed in a manner recognising both their unique position and the need for full due process.
- 7.4 By the nature of the judicial office, judicial officers are not, except in accordance with law, accountable to any organ or entity of the State for their judicial decisions.



The Flag of Guyana



"Nulli vendemus, nulli negabimus aut differemus, rectum aut justitiam. To no man will we sell, or deny, or delay, right or justice." - **National Centre for State Courts**

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