

OPENING REMARKS BY THE HONOURABLE THE CHIEF JUSTICE OF NIGERIA, HONOURABLE JUSTICE MAHMUD MOHAMMED, *GCON*, AT THE OPENING CEREMONY OF THE ANNUAL GENERAL CONFERENCE OF THE NIGERIAN BAR ASSOCIATION 2015, HELD AT THE INTERNATIONAL CONFERENCE CENTRE, ABUJA ON 23 AUGUST 2015

PROTOCOL

It is an honour and a rare privilege to be called upon to deliver the opening remarks at this auspicious event. Indeed, there can be no greater pleasure for any Legal Practitioner than to be among one's own brethren of the Nigerian Bar Association at the premier event in its calendar- the Annual General Conference.

Permit me, on behalf of the Legal Profession, to express my profound gratitude and appreciation to the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, President Muhammadu Buhari, *GCFR*, for honouring our invitation to declare the Annual General Conference of the Nigerian Bar Association 2015 open, despite his Excellency's other numerous engagements and affairs of State. This is a very good sign of the cooperation that has developed between the Judiciary and Legal Profession on the one hand and the Executive branch on the other. Rest assured we shall strengthen our own efforts by giving full support to our President in laying a solid foundation for good governance in accordance with the Constitution and the Rule of Law.

As we are aware the Keynote Address will be delivered by Dr. Willy Mutunga, the Chief Justice of Kenya. I want to use this opportunity to express our special gratitude and deep sense of our appreciation to our dear colleague and friend for coming all the way from Kenya to honour our invitation. We are indeed honoured by your lordship's presence and are sincerely grateful for this singular act of support, solidarity and identification with our collective aspirations.

Special thanks must go to the National Executive Committee of the Nigeria Bar Association (NBA), under the able leadership of Mr. Augustine Oyarhekua Alegeh SAN, and the Conference Organising Committee, effectively coordinated by Mr. Dele Oye, for the kind invitation to serve as Chair of this Opening Ceremony, which is graced by many eminent Guests particularly the President and the Keynote Speaker.

It is indeed a marvellous privilege to have the presence and active participation of your Excellency and your Lordship at the gathering of arguably the largest body of legal professionals in Africa and one of the largest in the world. I must commend the Nigerian Bar Association for bringing together a gallery of distinguished and knowledgeable persons to lead the discussions. No doubt, this Conference also affords me an opportunity, seldom had, to comment on issues of primary interest to our learned profession. After all, the Bar and the Bench share the same goal- to see that justice is done and seen to be done.

I observe that the theme of this year's Conference is '**LAWYERS AND NATIONAL DEVELOPMENT**'. I find this to be timely as it comes at a moment when the nation is witnessing a shift both politically and in terms of the

governance of our dear Country. It is against this background of evolution that we are all gathered to deliberate and arrive at resolutions, which will not only improve the legal profession, but also cause a positive shift in access to and the administration of justice in Nigeria.

DELAY IN ADMINISTRATION OF JUSTICE

Distinguished Guests and Gentlemen of the Bar, a major criticism of our system of justice delivery in Nigeria is the incessant delays in the administration of justice. Lawyers now insist on pursuing cases and interlocutory appeals based on nebulous points of law, regardless of the length of time or the expense involved in doing so to the detriment of their clients. Whilst it must be acknowledged that our Judiciary is not perfect, we cannot overlook the role of counsel in facilitating the onset of delay. As we all are aware, delay in most instances are either occasioned by the lack of diligent prosecution of a case, antics of counsel such as the use of interlocutory appeals to stall and frustrate a legitimate expectation of justice, or indolence on the part of some Judges. My learned colleagues this state of affairs cannot be allowed to continue.

It is one thing to talk the talk, but I am also determined to walk the talk. In an attempt to speed up the disposition of cases at the Supreme Court of Nigeria, upon my assumption of office, I immediately constituted a second Panel of the Court to sit on Wednesdays, in addition to the normal panel sitting in chambers, which also takes place on Wednesdays in order to dispose of pre-election and other appeals pending before the Court. This additional Panel is the first of its kind in the history

of our Court. In addition, it has proved extremely successful in clearing the backlog of pending appeals in the Court.

ALTERNATIVE DISPUTE RESOLUTION

My learned colleagues, the time has come for us to accept that Alternative Dispute Resolution (ADR) is a viable and more cost effective alternative to litigation. Indeed the average Nigerian desires a speedy, transparent and just dispute resolution mechanism, which allows him to be at peace with his neighbour thus fostering peaceful co-existence, and also allowing him to maintain lasting business relationships, which may have taken years to develop. This in turn provides the stability and assurance that foreign investors need in order to facilitate the inflow of much needed Foreign Direct Investment (FDI).

Our legal system has long viewed ADR as subordinate to litigation and this ought not to be so. I must reiterate that the aim of any action filed by any of us is to either correct a perceived wrong or defend the innocence of our clients. Ultimately, our work is to resolve dispute as well as to prevent same. As such, we must utilize those techniques that will enable us enhance the peaceful resolution of disputes, thereby ensuring a stable society.

This is why I am glad to see that the concept of court-connected ADR centres is now a feature in many jurisdictions. These courts assist the parties in choosing the most appropriate dispute resolution system in order to achieve effective dispute resolution. It is therefore my goal to see that every State High Court has a functional Multi-Door Courthouse. The Supreme

Court is also not left behind because the Mediation Division of the Court is expected to start operation in the next Legal Year.

INFORMATION AND COMMUNICATIONS TECHNOLOGY

Your Excellency, your Lordships and Gentlemen of the Bar, enhancing the administration of justice requires a multifaceted approach that will integrate Information and Communications Technology (ICT) into our processes in order to resolve issues of delay, corruption and inefficiency in our judicial system. In a 21st century that is constantly evolving and is defined by the use of appropriate technologies to break new boundaries and solve emerging challenges, we cannot afford to be left behind.

That is why the Judiciary is taking tangible steps towards automation under the Judicial Information Technology Policy. Although this will be discussed subsequently in greater detail, I am proud to state that under the Policy, the Judiciary, in collaboration with the NBA, is presently pioneering the use of a secure legal email system that will enable Legal Practitioners to safely transfer processes and correspondence between the Supreme Court and genuine, Legal Practitioners. The legal email project is being implemented by the Judiciary at no initial cost to the NBA.

Similarly, the Supreme Court is introducing a system for the issuance of e-hearing notices to parties involved in matters before it. This robust system will ensure that hearing notices are duly sent via email to parties informing them of the hearing of their matters. In order to forestall the traditional protestations of non-service of hearing notices, we have also introduced e-delivery reports via email and Short Messaging

Service (SMS) that is text messaging, which will assist the Court to determine whether a party was duly served, and has read the e-hearing notice. This will also be at no initial cost to the Legal Practitioners and I must remind us that such new technology will only work with the cooperation of the Bar. I therefore urge us all to get registered on these platforms as soon as they are fully operational and I am optimistic of success as the stance of the NBA's leadership gives me hope that this will succeed.

Although we acknowledge that there are general critical challenges facing our Judiciary also requiring ICT solutions, for instance our Judges are still taking court proceedings in long hand, we must begin our journey by taking one step at a time. This does not mean our other limitations are less important as it is our goal to see that our justice system has the right infrastructure for positive change. However, this requires adequate financing for the Judiciary and the judicious use of the resources allocated. We are optimistic that our aspirations for judicial development, as part of national development, will be achieved.

FRIVOLOUS PETITIONS

Permit me to express my concern about the incessant rise in petitions written and forwarded to the National Judicial Council (NJC). As the Chairman of the NJC, my office receives a myriad of petitions: lawyers petitioning against lawyers, lawyers petitioning against other public agencies like the Police, traditional rulers petitioning against their subjects and even individuals petitioning against foreign dignitaries and countries,

all of which the NJC is not statutorily empowered to address. Equally perturbing is the profusion of Legal Practitioners who are quick to write needless petitions that impugn the character of honest Judges simply because they have felt aggrieved at being at the wrong end of that Court's decisions or because they perceive that a Judge may not find in their favour. Regrettably, rather than directing their productive energies to filing meritorious appeals against such decisions, counsel have sometimes resorted to attacks *ad hominem* against Judges. While I do not seek to discourage counsel from writing petitions that show genuine, cogent cause, I urge Counsel to ensure that such complaints are factual and based on acts, which would constitute misconduct or other breach of the Code of Conduct for Judicial Officers, the Constitution of the Federal Republic of Nigeria 1999 (as amended) or any other law currently in force in Nigeria. This is to ensure that genuine petitions are appropriately addressed with the seriousness and speed that is demanded. It is of equal importance to ensure that public statements or accusations of impropriety against Judicial Officers are firmly supported with adequate evidence. It must be appreciated that the integrity of the Judges and the Judiciary is a sacred public trust that must be protected and upheld by all.

REFORM OF THE JUDICIARY

There have been many calls from various quarters for the reform of the Judiciary. I wish to state that reforms in the Nigerian Judiciary are already ongoing with the implementation of the new ***Revised NJC Guidelines and Procedural Rules for the Appointment of Judicial Officers of all Superior Courts of Record in Nigeria 2014***, put in place by the

National Judicial Council (NJC). The old Guidelines and Rules which saw only Justices of the Court of Appeal as of right making it to the Supreme Court have been swept away to give any qualified legal practitioner the opportunity of making it not only to the High Courts- Federal and State, the National Industrial Court, Sharia Courts of Appeal and Customary Courts of Appeal, but also the Court of Appeal, the Supreme Court and even to the posts of Heads of Federal and States Superior Courts, including the Chief Justice of Nigeria. That is why the list of 50 candidates now awaiting interview at the NJC to vie for 25 vacancies in the Federal High Court includes prominent legal practitioners, such as a renowned Dean of Law of one of the Nigerian Universities. This will ensure that only qualified and competent members of the Bar find their way to the Bench. That is why I call on the leadership of the Bar to ensure the sensitization of the Bar because once that has been successfully accomplished, the sensitization of the Bench which drinks from such a rich fountain of the Bar, shall be reassured.

It is for this reason that, as part of our determined effort to ensure that our Judicial Officers are alert to their responsibilities, the National Judicial Council has constituted an *Inspection and Monitoring Committee* for on-the-spot assessment of Judicial Officers on duty.

As we continue to fish out and discipline indolent and lazy Judges by showing them the way out of the system, we must also acknowledge and praise those judges that are diligent and hardworking. To this end, the NJC's *Judicial Officers Performance Evaluation Committee* has also been strengthened to perform its functions.

CONCLUSION

Finally, it would not be an exaggeration if one attributes the corporate existence of Nigeria, in part, to the vibrancy and steadfastness of the Legal Profession. The Nigerian Bar Association has led the vanguard of political development by standing on the side of the Rule of Law on issues that have concerned the Nation's unity and integrity. I make bold to say that it is this Rule of Law that guarantees peace, security, unity and good governance.

We must all work in unison to address the problems militating against our collective drive for quick disposition of cases and speedy administration of justice. To our colleagues on the Bench, I wish to appeal for total commitment and due diligence in the performance of our duties. We must eschew indolence and resist the evil temptation of corrupt enrichment, ensuring that we uphold the right of our citizens to fair hearing within a constitutionally prescribed period.

I believe that where there is a unity of purpose by the Bar and Bench then discordant attitudes will be sifted out. That is why we must all speak with a unified voice after this Conference, regardless of what differing opinions we may have had at the start of it. There must be greater emphasis on working in tandem to provide speedy dispensation of justice, engender rule of law and endue our citizens with a healthy respect for the institutions of the Judiciary. To put it bluntly, it is time for the Legal Profession to revisit the issue of justice.

I must re-iterate that the legal system and by extension, the Legal Profession must see to it that Justice is done. Key to this are the twin virtues of excellence and anticipation. We must

attain mastery of the challenges that face us, develop the knowledge to tackle those challenges and ensure that the more we gain, the more we desire to achieve.

I therefore believe that by working together, we can take the necessary steps towards ensuring a world class legal system. I look forward to meaningful thought-provoking discussions, which will yield pragmatic next steps and I wish all distinguished Guests and Gentlemen of the Bar beneficial and successful deliberations in the days to come.

Thank you and God bless Nigeria.

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Chief Justice of Nigeria