

SPEECH PRESENTED BY

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ON

‘THE VALEDICTORY COURT SESSION AT
THE SUPREME COURT HELD IN HONOUR
OF THE RIGHT HONOURABLE CHIEF
JUSTICE OF NIGERIA ON THURSDAY 10TH
NOVEMBER, 2016.

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Speech presented by Chief T. J. Onomigbo Okpoko, SAN, on behalf of the Senior Advocates of Nigeria on the Valedictory Court Session at the Supreme Court held in Honour of the Right Honourable Chief Justice of Nigeria at Abuja this 10th day of November 2016

Protocol

My Lord, the Chief Justice of Nigeria, Right Honourable Mahmud Mohammed

My Lords, the Justice of the Appellate Courts, serving and retired

The Honourable Attorney General of the Federation and Ministries of Justice

My Lords, the Judges of the High Courts and National Industrial Courts

Learned Senior Advocates of Nigeria

Our Royal fathers

The Learned members of the Magistracy

The Learned Members of the Customary & Sharia Courts

Learned Members of the Bar

Members of the press

Invited guests

Distinguished Ladies and Gentlemen

1. It is only right that, when a servant of justice has satisfactorily served his term and earned himself a meritorious exit on retirement from the Supreme Court bench, we all gather to acknowledge his service to the fatherland and to attest to his legacies in the judiciary hierarchy. We have come from our different places of abode in this vast Republic to honour the retiring Chief Justice of Nigeria and to accord him the honour befitting an illustrious Justice who has spent the greater part of his life on earth in the service law- as a Pupil State Counsel, State Counsel, Magistrate, Solicitor General, Judge, Chief Judge, Justice of the Appellate Court, lastly Chief Justice of Nigeria. My Lord, I salute you and congratulate you for your service to the Nation.

2. Seventy years ago, when his Lordship was born in Jalingo, no one except the Almighty Allah could have foreseen that his Lordship was destined to rise to the apex of the judiciary and serve this nation meritoriously as the Chief Justice of Nigeria.

We thank God for his Lordship and congratulate him for coming and serving the judiciary right up to the Supreme Court Bench which he headed meritoriously and honourably as the Chief Justice of Nigeria.

3. Everyone in the profession knows that the last six months or so of your tenure has been most turbulent in the history of the judiciary. The profession has seen turbulences in the past but never has it ever come to this current level. These challenges which came to light during your lordship tenure are not attributable to your Lordship in any way. The signs of potential danger were all around the judiciary especially evident in conflicting judgments of the courts of coordinate jurisdiction; the misuse or abuse of orders of injunctions obtained *ex parte* to stop criminal investigations among other misdemeanors.

The question is:

“did anyone foresee the possibility of all these leading to this disgraceful position in which the [udician] now [ouud itself]”?

I dare say that some did. The Right Honourable Chief Justice of Nigeria, Right Honourable Justice Musdapher was prophetic in his speech inaugurating the Stakeholders Committee on reform of the judiciary on the 14/10/2011, when he said:

“The society we serve appears dissatisfied with our performance and we must neither dismiss nor relegate these rising criticisms as mere sentimental or unfounded accusations devoid of substance. We must rise and protect the appellation of the “Honourable” to our names by obliterating the perception of the injustice front our lot.

We must admit that the quality and timeliness of the trial process, procedural inefficiencies, poor infrastructure, poor conditions of service for judicial and non-Judicial officers, declining intellectual quality and reasoning content of delivered judgments, corruption, as well as the effects of an unrestrained quest for political power have all served to disrupt the efficiency of the judiciary and damages its perception.”

4. Now we all know, we have problems in the law profession in which the Bar and the Bench are involved. We must now leave behind lamentation and turn to the genuine quest for a solution that will restore the honour and dignity of the judiciary and of the law profession. The problems are grave and they portend danger to the noble profession of law. Danger. It has been said invites rescue. It is to restore the honour and dignity of the judiciary and the profession of law that all men of goodwill must now turn. To restore the judiciary to its preeminence, the profession must pull itself together (the bar and the bench) and work a situation that will restore confidence in our judicial system.

We in the profession (both the Bar and the Bench) have kept a blind eye to our problems for far too long. We have looked on the other side when improprieties and disgraceful conducts are manifesting themselves right in front of us. We have been soft in matters that require stern handling. We have allowed rules to be twisted or bent because “*it will adversely affect our people.*” We have sacrificed merits on the altar of geographical spread when we know that no matter how much we spread we cannot cover everyone and everywhere. That type of attitude must now give way to positive thinking as to what will be best for our judiciary system and the profession.

At the swearing in of the two new Justices of the Supreme Court, the Learned Chief

Justice of Nigeria was reported to have said to new Justices and to us all:

“Now more than ever, it is important to be firm, honest and steadfast in the discharge of your duties”

Our incoming Chief Justice of Nigeria must now face these challenges. The task is enormous and undaunting but the damage is not beyond repairs. The inner bar must look inward, call its erring members to order and be ready and willing to join hands with the judiciary to carry out reforms of our judicial system necessary to reposition the judiciary. These must not be cosmetics or fanciful reforms. The reform should address the issue and come out with what is best for the judiciary and the country. There are crying needs for reforms by everywhere. The National Judicial Council should get back to the drawing board and produce realistic guidelines and policies designed to ensure that only the best candidate find themselves appointed as Judges or Justices. Judicial office must be seen as an appointive position and not a promotional office. The profession must say goodbye to the immediate past era when the Judicial Service Commission in the States appoints or recommends for appointment as Judges, candidates who the only basis for selection is the appearance of the candidates name in the list submitted by the State Governor, his privy or some party leaders.

The profession must turn its back on those who wants to ascend to the judicial office through sponsorship of godfathers or godmothers. We must resist every political interference in the appointment of Judges. The National Judicial Council needs to be reformed in terms of its composition and its powers and functions.

5. The provision of the Constitution which limits participation of the five Nigerian Bar Association members in the National Judicial Council to matters of appointment of judges ought not to be allowed to remain a minute longer. The power of the National Judicial Council to investigate complaints of misconduct against serving judges and justices beg

for immediate review if the activities of the National Judicial Council are to be seen as transparent and honest or effective.

6. Once again, I congratulate the retiring Chief justice of Nigeria for work well done and for the honour and dignity he is retiring with. I congratulate the incoming Chief Justice of Nigeria and I say that lawyers will stand by you to carry through the Judicial reforms which the profession desperately need to reclaim its past glory and to advance into this 21st century.

May God bless the Judiciary and the Legal profession, may God bless the Federal Republic of Nigeria.

Chief T. J. Onomigbo Okpoko, SAN

10th November, 2016