



ADDRESS BY THE HONOURABLE ATTORNEY-
GENERAL OF THE FEDERATION AND MINISTER
OF JUSTICE, MR. ABUBAKAR MALAMI, SAN, AT
THE SPECIAL SESSION OF THE SUPREME COURT
TO MARK THE BEGINNING OF THE 2016/2017
LEGAL YEAR AND SWEARING-IN OF NEWLY
APPOINTED SENIOR ADVOCATES OF NIGERIA
HELD AT THE SUPREME COURT COMPLEX ON
MONDAY, 19TH SEPTEMBER, 2016

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

My Lords, Justices of the Supreme Court of Nigeria,

My Lord, the President of the Court of Appeal,

My Lords, Justices of the Court of Appeal,

My Lord, the Chief Judge of the Federal High Court,

My Lord, the Chief Judge of the Federal Capital Territory,

His Lordship, the President of the National Industrial Court,

My Lords, Chief Judges of State Courts,

My Lords, Judges of the State Courts,

Distinguished Members of the Body of Benchers,

Learned Senior Advocates of Nigeria,

My Learned Colleagues,

Members of the Press,

Distinguished Ladies and Gentlemen.

I am highly honoured by your invitation to deliver this speech on the occasion of the commencement of the 2016/2017 Legal Year, as well as the swearing-in of the newly appointed Senior Advocates of Nigeria,

2. These two events are significant milestones in the calendar of the legal profession in Nigeria. Taken together, they offer us a rare opportunity to reappraise the state of our justice sector today, celebrate with our peers who have distinguished themselves and earned the rank of Senior Advocates of Nigeria, and re-dedicate ourselves to the task of building a more humane, efficient and transparent justice sector.

3. My Lords, Distinguished Ladies and Gentlemen, I must commence my address by expressing our gratitude to the Almighty God by whose grace and providence we are all here today to witness the commencement of another Legal Year. It is my prayer that we shall all witness divine favour throughout the year and end it successfully with greater success stories than in the previous years.

4. At this point, let me also congratulate My Lord, Honourable Justice Mahmud Mohammed, GCON, for the enviable task of leading the Nigerian Judiciary over the last one year and more, since your appointment as the 15th Chief Justice of Nigeria. I am convinced that given your wealth of experience and diligence, you will continue to position the

Nigerian Judiciary as a credible and important arm of Government. My commendation of course also goes to all the other Justices of this Court who have ensured that despite the political and social exigencies of our time, Nigerians still see the Supreme Court as a credible repository of the values of freedom, justice and institutional courage, which we all cherish.

5. The Legal Year, by its historical antecedents under the Common Law system, offers us an opportunity to reflect on the challenges of the past year, review the strategies we employed to confront them, celebrate our successes, appreciate our limitations and then project into the future with a view to improving on the present indicators. This year's cannot be different.

6. It is indeed unique as it is the first after a full year in office by the present administration which came into office last year. By its public pronouncements and actions, the Federal Government has clearly identified the legal system as a critical component of its strategy to address the ills in our country. Crucial to its agenda are the issues of tackling

terrorism through enhanced military action and prosecution of suspects in line with the rule of law; the prosecution of a campaign against corruption with a strong emphasis on assets recovery in Nigeria and abroad; and the sanitization of policies and processes in all aspects of national life in order to discourage institutional impunity and promote due process. In undertaking these tasks, the Judiciary is expected to play a significant role in line with its Constitutional powers pursuant to Section 6(6)(c) of the 1999 Constitution, as amended.

8. To this end, the judiciary must continue to take steps towards reforming its systems and processes to facilitate speedy dispensation of justice, improve the quality of service delivery and engender greater public respect and confidence in the Courts. To achieve this, permit me to suggest that the quest to do substantial justice and protect the public interest as distinct from an extreme interest in protecting personal rights, must be paramount in the judicial determination of issues. Judicial officers must equally take deliberate steps to ensure that the credibility of their offices and their sense of personal integrity remain unimpeachable at all times. It is gratifying to note that my Lord the Chief Justice has also made these issues, matters of priority for the Judiciary.

9. As I indicated in my speech at the 55th Annual Conference of the NBA last month, a genuine cause of worry for our teeming citizens has been the apparent conflicting judgments of courts of similar jurisdiction in respect of apparently similar matters. While it is undoubtedly true that as Lawyers, we are trained to distinguish the minute differences in some of the cases as to justify different conclusions by different courts, we must however be wary of public perception of the propriety or otherwise of the pronouncements of the Judicial branch. The authority of the Judiciary is largely dependent on the public perception of its integrity, its impartiality and its inherent capacity to do justice. These are the attributes that confer on it respect and reverence. The Judiciary must therefore move fast to prevent the continuation of any practices or inclinations by any of its personnel which may lead to the erosion of this credibility in the eyes of the public and unduly propel us towards a state of anarchy.

10. The Bar cannot be left out in these initiatives to position our profession as an agent of progress and national rebirth; and in this connection, I must congratulate the President of the Nigerian Bar Association, Mr. A.B. Mahmoud, SAN and his Executive on their recent election. I also congratulate his distinguished predecessor-in-office, Mr. Austin Allegeh, SAN and the entire members of the Bar on the recently successfully concluded 55th Annual General Conference of

the Nigerian Bar Association in Port Harcourt. The completion and commissioning of the NBA House in Abuja is equally a matter of great pride and esteem for our profession. I must also place it on record that I am encouraged by the position of the NBA that the Bar will work with Government to address issues of corruption at the Bar as well as in the entire polity.

11. Let me reiterate that given the historical role of the Bar in our democratic process, it must continue to see itself as a critical stakeholder in our national socio-economic journey as well as a prime driver for the improvement of the justice delivery system. To play this role effectively, it must also take steps to consistently reaffirm the credibility of legal practice and practitioners in the country. Towards this end, the Legal Practitioners Disciplinary Committee must be supported by us all to deal with cases of misconduct that have been referred to it, in an expeditious manner. Similarly, I implore the Legal Practitioners Privileges Committee to put in place necessary monitoring mechanisms to ensure that those elevated to the rank of Senior Advocate of Nigeria continually remain worthy of the rank and offer true leadership to the profession, not only in terms of courtroom competence and advocacy, but also in the critical areas of ethics and proper conduct inside

and outside the courts.

12. It is in the above context that I now turn to congratulate our new Senior Advocates of Nigeria who are being sworn in today. I am convinced, considering your years of toil and labour and the painstaking selection process through which you have emerged, that you are deserving of this eminent rank. I therefore charge you to remain shining lights in the practice of law within and outside Nigeria. I must however hasten to add that there are corresponding duties and responsibilities that go with your new rank. A Senior Advocate of Nigeria has a duty to exhibit the highest form of decorum, discipline and dedication to the course of justice and fair play.

13. As a leader of the bar, a Senior Advocate is expected to bring to bear on the profession, high standards of diligence and honour in the preparation and conduct of his cases. Let me however, hasten to remind you that your new status confers no immunity from the disciplinary processes of our profession or from the general application of the law for any act of misconduct, whether in the line of your professional duties or otherwise. I trust, however, that you shall not be found wanting in meeting the high demands of your new

ranks. Once more, I congratulate you all and welcome you to the Inner Chamber of our esteemed profession.

14. My Lords, Distinguished Colleagues, Ladies and Gentlemen, in concluding, may I thank my Lord, the Chief Justice of Nigeria, once more for the privilege of this speech. I look forward with enthusiasm to a vigorous and glorious legal year ahead and urge us all to work towards the entrenchment of the Rule of Law in all aspects of our national life and for continued support for the on-going initiatives to build a new nation founded on accountability, equity and due process in all aspects of national life. I wish each and everyone of us good health, divine protection and unquantifiable success in the course of the 2016/2017 Legal Year.

15. I thank you all for your attention.

ABUBAKAR MALAMI, SAN

Honourable Attorney-General of the Federation and Minister of Justice

Monday, 19th September, 2016