

**VALEDICTORY SPEECH OF THE OUTGOING  
CHAIRMAN OF THE BODY OF BENCHERS,  
HONOURABLE JUSTICE MAHMUD MOHAMMED, GCON,  
CHIEF JUSTICE OF NIGERIA, ON THURSDAY 31 MARCH  
2016.**

**PROTOCOL**

I am most grateful to the Almighty Allah (SWT) for His infinite mercies and evident blessings showered upon me since my assumption of office as Chairman of this revered body exactly a year ago, on 31<sup>st</sup> March 2015.

I am also particularly appreciative of the Vice Chairman of the Body of Benchers, Chief Bandele A. Aiku, SAN, who has been very supportive and tireless in ensuring that we successfully discharge the onerous responsibilities placed upon us by this Body, in furtherance of its statutory mandate.

Similarly, I must express my sincere gratitude to all members of the Body of Benchers for providing the necessary impetus and encouragement needed to effectively pilot the affairs of the Body. Indeed, the successes recorded in the past year would have been moot, but for the support afforded to me by all of you. I therefore urge that the same courtesy be extended to our incoming Chairman as was abundantly available to me during my tenure.

Permit me to state that the past year has been an eventful one in the life of the Body of Benchers and I believe that this is an invaluable opportunity to take stock of these achievements and look towards building on our numerous accomplishments.

## **CALL TO BAR CEREMONIES**

This Body had the privilege of calling two sets of Lawyers to the Bar as Legal Practitioners during the Call to Bar ceremonies held in October and December 2015, respectively. I had the rare honour of presiding over a total of four sessions, during which 6873 persons were called to the Nigerian Bar. It would certainly not be an exaggeration to state that the 2015 ceremonies witnessed one of the largest numbers of lawyers to be called to the Bar in our Profession's history. I am indeed proud to state that it is during my tenure that we witnessed an extraordinary increase in female gender representation at the Bar and I make bold to say that our Profession will benefit immensely from this paradigm shift from a male dominated one.

At this juncture, I cannot but express my profound gratitude to the members of the Body for your unprecedented support and attendance during the 2015 Call to Bar ceremonies. I am indeed humbled by your perseverance during these ceremonies especially as we had two Call to Bar ceremonies each day, which often ran late into the night. Notwithstanding the tedium, the number of members attending each ceremony to the end remained impressive. Such exemplary sacrifice is testimony to the commitment of our members

to the furtherance of the statutory functions of the Body of Benchers and for this I thank you.

This phenomenal increase in the number of lawyers points to the sustained respect for the noblest of Professions and it behoves on the Body of Benchers to continue to uphold the tenets of the Profession thereby ensuring only fit and proper persons are admitted to the Bar.

## **LIAISON WITH THE LAW SCHOOL**

Upon my succession to the Chairmanship of the Body, an objective of mine was to enhance the operational efficiency and affiliation of the Body of Benchers with other relevant stakeholders in the Profession. Anxious to improve the synergy between the Body of Benchers and the Council of Legal Education, I directed that liaison offices of the Body of Benchers be established in all campuses of the Nigerian Law School. I believe that this initiative will further enhance the effectiveness and efficiency of service delivery by the Body of Benchers and the Nigerian Law School.

With this innovation it has become clear that given the proliferation of new wigs into the Profession, we must remain dynamic. In addition, it has become pertinent to ensure that an effective disciplinary framework is in place to regulate the conduct of these and other Legal Practitioners.

## **LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE**

The Legal Practitioners Disciplinary Committee (LPDC) is a Committee of the Body of Benchers established by Section 10 of the Legal Practitioners Act, 1962 (as amended).

The Committee, currently chaired by Joseph B. Daudu, SAN, is responsible for maintaining discipline within the Legal Profession, with the power to sanction those lawyers who are found to have acted unprofessionally, unethically or criminally in the discharge of their professional duties. In the performance of its duties, the Committee must be commended for its assiduous disposal of cases filed and heard before it, without fear or favour. However, the number of petitions filed against our lawyers has increased, thus making the task of the Committee more onerous.

In the past year, the Committee heard matters resulting in the disbarring of three Legal Practitioners, the suspension of four Legal Practitioners, the admonition of one Legal Practitioner and the discharge of four others. Similarly, one Legal Practitioner had his name struck off the roll, while another person had his name restored on the roll after a successful appeal. This Committee has strived to perform under challenging circumstances and has shown the requisite seriousness expected of it given the gravity of acts that it has to sanction. With the level of commitment so far demonstrated by it, I believe that all outstanding cases pending before the Committee will be determined fairly and expeditiously.

While the increase in the number of petitions filed against our lawyers is indeed a great source of concern, I must similarly point out that the duty of purging the profession of corrupt lawyers is our collective responsibility. I therefore implore us all to support the Legal Practitioners Disciplinary Committee in ensuring that the core ethical values of our noble profession are reinforced and are not eroded by fraudulent or unethical practices.

I am aware that the tenure of the Chairman of the Committee and three other members has expired after having served on the Committee for three years.

May I use this medium to congratulate the members for their immense contribution, meritorious service and the deployment of their vast experience, which has certainly had a positive impact on the timely disposal of cases filed before the Committee. Since the tenure of the Chairman and three other members may be renewed for one more term by the Body of Benchers, may I appeal that the Body, at this meeting, renew their tenure for one more term to enable them continue the immediate discharge of the function of this very important Committee.

## **COMPLETION OF BENCHERS HALL**

Permit me to make a few remarks about the Benchers Hall, an edifice, which more than any other, best epitomizes the desire of this Body to continuously develop and improve the Profession. The Building Committee of the Body of Benchers, chaired by Mrs. H. A. Balogun, was tasked with the responsibility of overseeing the construction of the Benchers Hall.

However, it is regrettable that since 2013, there has been no capital budgetary allocation made to the Body of Benchers for the completion of the Benchers' Hall and it must be said that the Project is in some danger of becoming forgotten.

The appropriation of the sum required to complete this Project, was a priority of mine during my tenure as Chairman. Most

unfortunately, our efforts to ensure that the Project was adequately provided for in the 2016 budget, were unsuccessful. In furtherance of this, I led a delegation of the Body of Benchers on a courtesy visit to the Vice President of the Federal Republic of Nigeria, Professor Yemi Osinbajo, SAN, who promised to intervene in ensuring that funds are made available to complete the Hall.

I similarly met with the Senate Committee on the Judiciary, Human Rights and Legal Matters as well as their counterparts at the House of Representatives, with the aim of ensuring that funds would be appropriated under the Body of Benchers budget for 2016. Despite these interventions, the sum could not be accommodated this year due to the budgetary envelope ceiling given to the Body of Benchers.

However, sequel to the status report presented to the Office of the Vice President of the Federal Republic of Nigeria on the Benchers' Hall, we received a letter from the Ministry of Power, Works and Housing inviting the Body of Benchers for a meeting on Tuesday, 22 March, 2016.

A delegation from the Body met with the team of experts at the Ministry wherein the Body was directed to provide specific details of the exact project status and completion plan for the Benchers' Hall. The meeting has been adjourned to today, Thursday 31 March 2016 by 3:00pm and we are hopeful for a positive outcome.

Nonetheless, I counsel us all to remain positive and consider pragmatic solutions that will generate the much needed funds for the completion of the Hall, as it is my sincere wish and I am sure the

wish of every member to see the Hall completed at the earliest possible time.

## **BUDGETARY ALLOCATION TO THE BODY OF BENCHERS**

During my tenure as the Chairman of the Body of Benchers, I made concerted efforts to ensure that there was a significant increase in the budgetary allocation to the Body of Benchers. I believe that this was not only expedient, but also essential to the effective operation of the Secretariat in the discharge of its functions.

In 2015, the Body of Benchers was voted an envelope ceiling of N250, 000, 000.00 (Two Hundred and Fifty Million Naira). Following my direct intervention, this was increased to the sum of N300, 000, 000.00 (Three Hundred Million). Similarly, under the 2016 budgetary year, the allocation for the Body of Benchers was increased by N40, 000, 000.00 (Forty Million Naira) as against the N300, 000, 000.00 (Three Hundred Million Naira) initially allocated to the Body. I am hopeful that there will be an upward review of this amount in future budgets.

## **CONTRIBUTION OF FUNDS BY MEMBERS OF THE BODY OF BENCHERS**

Members may recall that in 2002 the Body passed a resolution to the effect that statutory members of the Body of Benchers should make financial contributions to the Body annually. The essence of these contributions was to enable the Body have sufficient funds to

finance its activities, particularly at such times when there is no allocation from budgeted funds.

However, it has been observed that some members are yet to make good their contribution. This has had a negative effect on the functioning of the Body of Benchers Secretariat.

For avoidance of doubt, permit me to restate the annual contributions prescribed by the resolution of this Body in 2002. The Supreme Court of Nigeria is mandated to pay a sum of N100, 000.00; the President of the Court of Appeal must pay a sum of N250, 000.00; the Chief Judge of the Federal High Court is expected to pay a sum of N200, 000.00, while the Attorney General of the Federation and Minister of Justice is mandated to pay N200, 000.00. In addition, the Chief Judges of the Federal Capital Territory and States as well as Attorneys General of States are enjoined to pay N100, 000.00 respectively while the Nigerian Bar Association is mandated to remit 10% of Practicing Fees paid annually by its members. Lastly, the Council of Legal Education must remit all Screening/Call Fees respectively to the Body of Benchers.

I therefore implore members not to see such remittances as a burden but rather as a gift to the Profession, which we hold dear and wish to see grow. I therefore urge us to make such remittances as and when due in order to ensure that the Secretariat functions optimally.

## **AMENDMENT OF THE BODY OF BENCHERS REGULATIONS**

Ladies and Gentlemen, the only constant in life is change. Unless we evolve to meet emerging challenges, the Body of Benchers risks becoming archaic and ineffective in its operation. It is on record that since 1977, when our Regulations were enacted, they have never been amended or reviewed. It cannot be overemphasized that the need to amend the Body of Benchers Regulations is long overdue. Similarly, there is need for some of the resolutions passed by the Body of Benchers to be captured in the Regulations in order to give it statutory backing.

These reasons necessitated the constituting of a Committee chaired by Hon. Justice John Afolabi Fabiyi (rtd), *CFR*, JSC (Life Bencher), at the last meeting of the Body of Benchers held on Thursday 11 February 2016, to undertake the exercise. The Committee was mandated to amend the Body of Benchers Regulations in order to update it to a form that best captures the current status, rules and regulations of the Body of Benchers. Upon conclusion of this assignment, I believe the Regulations as amended will meet global standards

## **CONCLUSION**

I wish to conclude by appealing to all distinguished Benchers to participate fully in the activities of the Body, which include attending all meetings of the Body, Call to Bar Ceremonies and Law Dinners. It is true to say that the turnout of members in recent years has left much to be desired. Although I am mindful of the otherwise busy schedules of members, nevertheless I must urge you all to

remember that being a member of the Body of Benchers is a rare privilege, which requires a reciprocal commitment and responsibility towards the Body. A situation where a statutory member will be called upon by the Body to serve on a Committee or perform some other function and seek some pecuniary benefit before acting as required, is not only worrisome, but it is a trend which is disrespectful of the Body and unpatriotic to our Nation. We must therefore dedicate more time to the activities of the Body and help to uphold its standing for the benefit of our most honourable Legal Profession.

I sincerely appreciate all the members of the Standing and Ad-hoc Committees of the Body of Benchers for their diligent and selfless contributions to the success of the Committees and ultimately the effectiveness of the Body of Benchers. I further implore them to do even more, as the reward for good work is even more work but I believe that all members are up to the task.

I must express my thanks to the Secretary, Body of Benchers, Mrs. H. A. Turaki who has worked tirelessly to effectively coordinate the affairs of the Body of Benchers Secretariat. Her resilience and industry has contributed immensely to the successes recorded by the Body of Benchers in its activities over the past year. I must also acknowledge the sterling efforts of the Staff of the Secretariat of the Body of Benchers and everyone else that has contributed to the successes so far recorded. I encourage you to strive for greater heights and maintain the integrity of the Body.

Finally, I wish to extend my sincere gratitude to all Members of the Body of Benchers for giving me the opportunity to pilot the affairs of the Body as Chairman. It has been a memorable journey for me and one that I will cherish for a long time to come. However, I wish to assure the Body that I will continue to play an active part in the activities of the Body of Benchers particularly in playing my own role as a Life Bencher and former Chairman in seeing to the completion of the Benchers' Hall.

I pray for the Almighty Allah's guidance in all our respective endeavours and look forward to an even more vibrant Body under the leadership of the incoming Chairman.

Thank you and may God bless all of us.

**Mahmud Mohammed, *GCON***  
***Chief Justice of Nigeria***