

**CHAIRMAN'S BRIEF REMARKS ON THE OCCASION OF THE 8<sup>TH</sup> ANNUAL BUSINESS LUNCHEON, HOSTED BY THE FIRM OF S. P. A. AJIBADE & CO. HOLDING AT THE METROPOLITAN CLUB, LAGOS, NIGERIA, ON THURSDAY 26 NOVEMBER 2015 AT 11:00 A.M.**

**PROTOCOL**

It gives me great pleasure to be called upon to chair this occasion. I wish to especially commend the Managing Partner of the firm of **S.P.A. Ajibade & Co.** Dr. Tunde Ajibade, SAN and his partners for selecting such an illuminating theme for this year as we discuss “**the future of Legal Practice in Nigeria- Regulation and Discipline in the Legal Profession**”. This is especially apt as we aim to re-position the profession and judiciary to meet the challenges of our Country in the 21<sup>st</sup> Century. We cannot therefore be an analogue profession in a digital society. Under the present circumstances and as Chairman of this occasion, it is imperative for me to share some thoughts with you all.

A great place to start would be to quote the words of Pliny the Elder (23 AD - 79 AD) who said that “...**the only certainty is that nothing is certain**”. The society is not the same as we found it when Sapara Williams and the first indigenous lawyers opened up their law offices at the turn of the 19<sup>th</sup> Century. The only thing that has (arguably) remained constant has been the practice of law and the existence of ethics and principles, underpinning professional discipline, which have made the profession the envy of others.

Traditionally, legal practice in Nigeria had maintained its reputation as a profession filled with persons of unimpeachable integrity and decorum. Sadly, in most recent times, the integrity of the profession has been questioned. The profession-lawyers and judges alike-have faced accusations bordering on unprofessional utterances,

professional misconduct, and outright crimes; it is now apparent that the dignity of the profession in Nigeria is no doubt in some peril.

Legal practice, as Joe Gadzama, SAN pointed out “... ***involves giving legal advice to clients, drafting legal documents for clients, and representing clients in legal negotiations and court proceedings such as lawsuits***”<sup>1</sup> within the ambit of statute and rules like the Legal Practitioners Act,<sup>2</sup> the Legal Education Act,<sup>3</sup> as well as through regulatory bodies such as Nigerian Bar Association (NBA), the Body of Benchers, Legal Practitioners Privileges Committee, Legal Practitioners Disciplinary Committee and the Council of Legal Education. One must also not forget the Rules of Professional Conduct for Legal Practitioners, 2007, and the Constitution of the NBA. These are a must read for all serious practitioners of law.

It is regrettable therefore that despite these statutes, bodies and rules, legal practice has witnessed a rise in dubious, unprofessional, and even criminal practices by legal practitioners. A key finding of the National Judicial Council Stakeholders Reform Committee report in December 2011, for instance, was the use of legal practitioners as conduit pipes for the bribery of Judges and other public office holders. Suffice it to say, the public exposition of serious corrupt practices by Bench and Bar has been one of the biggest factor in the profession’s loss of prestige.

The conduct of counsel *in facie curia*, leaves a lot to be desired, as several of our colleagues bring the court into disrepute by discourtesy to the Bench. That is not to exculpate some Judges of course, as I am sure that a lot of you have had experiences with some Jurists who left you with a sour taste in your mouth.

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<sup>1</sup> CHIEF JOE-KYARI GADZAMA, MFR, SAN, FCIarb. (UK) “***MODERNIZING LEGAL PRACTICE IN NIGERIA: CHALLENGES AND PROSPECTS***”, A PAPER DELIVERED AT THE 2013 STATE OF THE LEGAL PROFESSION LECTURE OF THE NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES (NIALS), ON AUGUST 06, 2013, AT SHEHU MUSA YAR’ADUA CENTRE, ABUJA

<sup>2</sup> CAP L10 LAWS OF THE FEDERATION OF NIGERIA, 2004.

<sup>3</sup> CAP L11 LAWS OF THE FEDERATION OF NIGERIA, 2004.

Another situation is where we turn our courts into objects of public derision by making unguarded statements to the members of the press corps. Such sensational statements often portray us as a house divided which does not augur well for the discipline within the profession.

I must also add that twin issues of recourse to appeals which we know are unmeritorious, and the rush to seek mischievous interim orders, must be seriously excavated and re-examined.

I am concerned about the quality of ethical and curricular content that the young legal practitioners imbibe before they are called to bar. The quality of intakes into law schools must therefore be properly scrutinized to ensure that only intellectual, fit and proper persons are included. In this, the role of the Body of Benchers cannot be over emphasized. I would also call upon our colleagues at the Bar to ensure that they pay special attention to thoroughly instructing the Law School students on rules of ethics and discipline during chamber attachment.

Moving forward, we must ignite our intellectual wits towards effecting a radical re-think to our rules and regulations, so as to ensure that high standards of discipline are maintained within the profession. That is why meetings such as this will help immeasurably in helping us all to chart a path for our profession that restores, upholds and promotes its status, dignity and respect.

With that said, I wish us all fruitful and beneficial deliberations.

Thank you

**MAHMUD MOHAMMED, GCON**  
**CHIEF JUSTICE OF NIGERIA**