

GUIDELINES FOR THE CONFERMENT OF THE RANK OF SENIOR ADVOCATE OF NIGERIA 2013

In the exercise of the powers conferred on it by Section 5(7) of the Legal Practitioners' Act of Cap. L11 LFN, 2004 and of all other powers enabling it in that behalf, the LEGAL PRACTITIONERS' PRIVILEGES COMMITTEE with the approval of the BODY OF BENCHERS makes the following Guidelines:

Part I

Objectives, Principles and Procedure for the Appointment of Senior Advocate of Nigeria

1. Objectives

The award of the rank of Senior Advocate of Nigeria (SAN) is a privilege awarded as a mark of excellence to members of the legal profession who:

- a) are in full time legal practice;
- b) have distinguished themselves as advocates; and
- c) have made significant contribution to the development of the legal profession in Nigeria.

2. Principles

The award of the rank of Senior Advocate of Nigeria shall be based on the following principles:

- a) the award shall be an independent indication of excellence in the legal profession. It is to provide a public identification of advocates whose standing and achievement would justify an expectation on part of clients, the judiciary and the public that they can provide outstanding services as advocates and advisers in the overall best interest administration of justice;
- b) all applications will be considered without regard to ethnic origin, pedigree, gender, physical disability, marital status, age, religious belief, political views or affiliations;
- c) every effort shall be made to ensure that the conferment of the rank of Senior Advocate of Nigeria on candidates who have met the criteria reflect national character by achieving as much geographical spread and gender representation as is possible;

- d) the award shall be self financing process to ensure that the rigorous nature of the screening process is maintained. The appropriate fees as determined each year by the Legal Practitioners' Privileges Committee shall be charged as processing fee, such fees shall be based on the reasonable estimates of the cost administering the process and adequate to ensure a proper and efficient conduct of the selection exercise;
- e) the award shall continue to be made primarily to legal practitioners' who have distinguished themselves as advocates. The Legal Practitioners' Privileges Committee may however, in exceptional cases, approve the award of the rank of Senior Advocate of Nigeria to members of the legal profession who have distinguished themselves as academics by making substantial contribution to the practice of Law, through teaching, research and publications that have become major source of reference by legal practitioners', judges, law teachers and law students; and
- f) the fulfillment of the stipulated criteria for eligibility and competence as defined and published from time to time by the Legal Practitioners' Privileges Committee shall be the primary basis of the appointment;

3. Role of the Legal Practitioners' Privileges Committee (LPPC)

The Legal Practitioners' Privileges Committee shall exercise full control and management of the process of appointing and preserving the dignity of the Rank Senior Advocates of Nigeria. The Primary mode of consultation will be by way of confidential reference from judges of superior courts, including the Justices of the Supreme Court, Court of Appeal as well Chief Judges, not as primary means of selection of candidates but more as a final check in the selection procedure.

4. Confidentiality

The process of selection for the award of the rank of Senior Advocates of Nigeria shall be conducted in such manner that information provided by candidates, views and

opinions given or expressed to the committee by all persons consulted shall be treated in confidence.

5. Oral Interview

- 1) The process of selection shall include an oral interview at the final stage, with prospective candidates to enable the Legal Practitioners' Privileges Committee verify the information provided in the application forms and afford the committee a further opportunity to ascertain the candidates' competence.
- 2) Before the oral interview, the number of candidates shall be pruned to a final list not exceeding three times the number of applicants to be appointed in any given year.
- 3) In the pruning exercise, the criteria stated in paragraph 19 of this Guidelines shall be taken into consideration.

6. Number of Persons Appointed to be Limited

The Legal Practitioners' Privileges Committee may from time to time fix the numbers of persons to be conferred with the rank of Senior Advocate of Nigeria each year, having regard to the need to maintain highest standard of excellence and prestige of the rank.

7. Feedback

There shall be a feedback process at the first and second filter stages. The secretariat shall inform the affected candidate explaining why his application was unsuccessful, highlighting areas where the candidate is required to improve upon.

8. Complaints

Any complaint(s) received by the Legal Practitioners' Privileges Committee shall be treated in accordance with paragraph 17 of these guidelines.

9. Method of Appointment

- 1) Call for Applications will be made not later than 7th January each year or such other date as the Legal Practitioners' Privileges Committee may direct by publications in the media.
- 2) Application in the prescribed form must be returned not later than 31st of March of the year of the application or such other date as the Legal Practitioners' Privileges Committee may direct to the Legal Practitioners' Privileges Committee Secretariat at the Supreme Court of Nigeria.
- 3) Every candidates shall pay a non refundable processing fee in the sum of ₦300,000.00 (Three Hundred Thousand Naira Only) or such other sum as may be determined by the Legal Practitioners' Privileges Committee.

10. First filter by the Secretariat

- 1) All applications forms received by the Secretariat of the Legal Practitioners' Privileges Committee within the stipulated time will be reviewed by the Secretariat.
- 2) Applications that *prima facie* do not meet the stipulated conditions or where candidates plainly do not meet the criteria for eligibility or competence would be rejected.

11. Second filter by the Secretariat

A list of all of such applications shall be forwarded to the Legal Practitioners' Privileges Committee which shall meet to review the first filter by the Secretariat. Thereafter, all unsuccessful candidates at this stage shall be notified in writing of the decision of the Legal Practitioners' Privileges Committee.

12. Procedure after the first and second filters by the Secretariat

- 1) The list of candidates that have scaled the first and second filters shall be sent to the national secretariat of the Nigerian Bar Association, the candidate's

- local branch of the Nigerian Bar Association and all the Chief Judges, Justices of the Court of Appeal and Supreme Court who shall be requested to comment confidentially on the integrity, competence and reputation of the candidates.
- 2) Any concern expressed with regard to a candidate's integrity shall be formally brought to the attention of the candidate in order that the candidate would have an opportunity to provide an explanation to the Legal Practitioners' Privileges Committee on the matter.
 - 3) The Legal Practitioners Privileges Committee will decide the weight to accord adverse comments on any candidate, taking into account the candidate's explanation. Where the Legal Practitioner's Privileges Committee decides that the issue is of significant weight, it may decide not to proceed further with the consideration of the application and shall notify the candidate accordingly.

13. References by Judges and Legal Practitioners'

- 1) The application form shall require each candidate to provide a list of at least 10 Judges of superior court before whom he had appeared in contested cases of significance. The Legal Practitioners' Privileges Committee will select three Judges from the list provided by the candidate from whom it will request a detailed confidential reference. The three Judges will be selected for each candidate in such a manner as to ensure that a cross section of Judges from different levels of Courts as the candidate provides is represented.
- 2) The application form shall require candidates to identify at least 6 legal practitioners by whom the candidate has been led or that they have led or against whom they have appeared, in contested cases of significance. The Legal Practitioners' Privileges Committee will select 3 such legal practitioners' from the list supplied by the candidate from whom it will request a detailed written confidential reference about the candidate.

14. Particulars of Contested Cases

- 1) Every candidate will be required to provide particulars of contested cases which he considers to be of particular significance to the evaluation of his competence in legal practice and contribution to the development of the law. The candidate shall attach a certified true copy of all the Judgments referred to in his application which shall be neatly arranged, indexed and bound.
- 2) Where cases are reported in a well known law report, the applicant shall in addition to providing the citation also attach a copy of the reported cases.
- 3) Where the cases are not reported the candidate shall provide certified hard copies of such cases along with his completed application form.
- 4) All judgments submitted by candidate must show that the candidate's name is reflected as having conducted the case.
- 5) An applicant shall provide particulars of cases as follows:
 - a) 8 Judgments of the High Court;

Provided that in respect of such cases conducted at the High Court, the applicants shall provide certified true copies of complete record of trial proceedings in at least five contested cases from filing stage to Judgment, showing that the applicant as counsel conducted the trial fully.

- b) 6 Judgments of the Court of Appeal; and
- c) 3 Judgments of the Supreme Court.

Where it is manifest that the applicant himself has conducted the cases from the High Court up to the Supreme Court provided that where applicants submits cases in which he has appeared only at the Supreme Court he will be required to submit 6 Judgments of the Supreme Court to qualify.

- 6) In providing particulars of contested cases, applicants shall provide particulars of recent cases decided within 10 (Ten) years preceding the date of application and which demonstrate that the applicant is:
 - a) currently engaged in full time legal practice; and
 - b) abreast with current developments in the field of law.

15. Law Office Inspection

- 1) The Legal Practitioners' Privileges Committee shall conduct a physical inspection of the chambers of all candidates that have made the final list. The chamber inspection is geared towards evaluating the level and quality of the facilities provided in the chambers and shall take into account the:
 - a) size and quality of the library;
 - b) quality of office space and other facilities available;
 - c) number of junior counsel or partners in chambers;
 - d) number and quality of support staff; and
 - e) maintenance of proper books of accounts.

- 2) Where the quality of an applicant's chambers is in the opinion of the Legal Practitioners' Privileges Committee below the required standard, the candidate shall automatically be dropped from the list and no further action shall be taken on his application. Such an applicant shall however be duly notified by the Legal Practitioners' Privileges Committee of the reason for his disqualification.

16. Interview of Candidates

- 1) The Legal Practitioners' Privileges Committee shall constitute sub-committees each of which shall comprise of three members. Every candidate that makes the shortlist shall be interviewed by a sub-committee. The purpose of the interview is to confirm that the candidate has met the eligibility criteria and to conduct a further evaluation of the candidate's professional competence.
- 2) The evaluation of the candidate's competence shall be based on the following criteria:
 - a) Integrity (25 per cent)
 - b) Opinion of Judges (15 per cent)
 - c) General Knowledge of law (15 per cent)

- d) Contribution to the development of law (10 per cent)
- e) Leadership qualities in the profession (10 per cent)
- f) Strength of reference received (15 per cent)
- g) Quality of Law office/library (10 per cent)

- 3) Each member of the Legal Practitioners' Privileges Committee shall receive copies of application forms, copies of references, and a list of particulars of reported cases or copies of unreported Judgments and reports of chambers inspection in respect of all candidates at least one week before the final selection interview date.
- 4) The list of candidates for interview due to appear before the sub-committees shall be compiled randomly by the Secretariat in such manner that the members of the Legal Practitioners' Privileges Committee shall have no prior notice of which candidates shall be appearing before them.
- 5) The candidates shall be graded according to the stipulated criteria and shall also be scored by each member of the panel after which a weighted average shall be compiled at a joint session of all the sub-committees for the final sitting of the full panel of the Legal Practitioners' Privileges Committee.
- 6) The full panel of the Legal Practitioners' Privileges Committee shall meet to consider and review the report of each sub-committee.
- 7) The Legal Practitioners' Privileges Committee shall then draw up a final list of successful candidates taking into account the need for merit, gender representation and geographical spread.

17. Complaints Procedure

- 1) Complaints about the operation of the selection process or other aspects of the award shall be determined by an independent committee appointed by the Chairman of the Legal Practitioners' Privileges Committee on the recommendation of the Nigerian Bar Association and the **Body of Senior Advocate of Nigeria**. The Committee shall comprise of:
 - a) a Justice of the Court of Appeal; and

- b) two Senior Lawyers.

- 2) Complaints presented to the Committee shall be heard speedily and results communicated to the Legal Practitioners' Privileges Committee through the Chairman. A successful complaint by a candidate does not mean that he would automatically receive the award but every effort shall be made so that where possible a successful complainant will be considered along with other candidates under second filter. Accordingly all complaints shall be treated within four weeks of receipt.

- 3) The Legal Practitioners' Privileges Committee would review the case in the light of the finding of the Complaints Committee and take appropriate action on a case by case basis.

Part II

CRITERIA FOR THE CONFERMENT OF THE RANK OF SENIOR ADVOCATE OF NIGERIA

18. Eligibility

- 1) The candidate must be a legal practitioner called to the Bar and practicing in Nigeria as an advocate and must have been in active current legal practice and have been so for at least 10 years immediately preceding the date of application. In determining 'active current legal practice' in addition to such enquiry it considers necessary, the Legal Practitioners' Privileges Committee may consult the:
 - a) Chief Judge of the State where the candidate has his main law office; and
 - b) Local branch of the Nigerian Bar Association where the candidate has his main office.

- 2) The candidate must be of a good character and must have no pending disciplinary case or complaint relating to professional misconduct against him. A candidate shall be considered ineligible if in the opinion of the Legal Practitioners' Privileges Committee the candidate is adjudged to be of the following disposition:

- a) bad behavior, whether in or out of court; poor temperament or propensity to insult or assault people or cause them harm or put them in a state of fear of bodily harm;
- b) indulgence in drug, alcoholic or similar substance addiction;
- c) evidence of moral depravity or other socially unacceptable behavior;
- d) abuse of legal trust such as embezzlement or mismanagement of client's funds;
- e) indulgence in blatant self-seeking praise or advertisement through sponsored (directly or indirectly) songs by musicians, records, or tapes or other media such as print or electronic media; and
- f) touting for briefs or engaging in any form of canvassing for cases.

19. Competence

- 1) A candidate must:
 - a) demonstrate high professional and personal integrity;
 - b) be honest and straightforward in all his professional/personal dealings;
 - c) be of good character and reputation;
 - d) be candid with clients and professional colleagues;
 - e) demonstrate high level of understanding of cultural and social diversity characteristics of the Nigerian society; and
 - f) show observance of the Code of Conduct and Etiquette at the Bar.

- 2) A candidate whose application contains false or misleading information will not be considered for the award of the rank of Senior Advocate of Nigeria for a period of not less than 10 years.

- 3) A candidate must have sound knowledge of law and demonstrate excellence in skills as an advocate with clear ability to use such knowledge for the advancement of the administration of Justice.

- 4) Every candidate for the rank of Senior Advocate shall provide the following information to assist the Legal Practitioners' Privileges Committee assess his professional competence:

- a) pursuant to paragraph 13 (1) and (2) of these guidelines, a list of 10 Judges of superior courts and at least 6 legal practitioners' who can provide confidential reference of the professional competence of the candidates; and
 - b) a list of at least 6 practitioners' by whom the candidate has been led or against whom he had appeared, in contested cases of substance or complexity or of particular difficulty or sensitivity and who can attest to the candidates professional competence, ability and integrity.
- 5) For the purpose of evaluating professional competence of a candidate, a case will be considered of significance if in the opinion of the Legal Practitioners' Privileges Committee it will meets two or more of the following:
- a) involves an issue of significant legal or public interest;
 - b) decides a novel point of Law;
 - c) is considered ground breaking or a land mark decision; and
 - d) is frequently cited in the Law courts.
- 6) A candidate for the rank of Senior Advocate should demonstrate tangible contribution to the development of the law through case Law or publications in recognized journals or scholarly presentation at national or international conferences considered by the Legal Practitioners' Privileges Committee as of particular significance.
- 7) -
- a) A candidate should demonstrate clear qualities of leadership and loyalty to the Legal Profession.
 - b) He must have paid consistently as and when due his practicing fees and membership dues to the local branch in the last 10 years preceding his application.
 - c) He must have been involved in the provision of at least 3 pro bono legal services to indigent clients or some form of community service.
 - d) He must present evidence of income tax payment paid as and when due for a period of 3 years preceding the application.
- 8) A candidate should have or be a partner in chambers considered by the Legal Practitioners' Privileges Committee to have good and up to date facilities

including a good quality law library with good working environment. There must be at least five full time junior legal practitioners' and other para legal or support staff in full time salaried employment.

- 9) The Legal Practitioners' Privileges Committee shall from time to time provide guidelines for the evaluation of Library and Chambers which shall include:
- a) Standard Text Books;
 - b) Statute Books;
 - c) Law Reports; and
 - d) Equipment including computers, fax machines, internet facilities, file cabinets, fire fighting equipments etc.

20) Partnership

- 1) In determining whether an applicant qualifies as a partner for purposes of conferment with the rank of Senior Advocate of Nigeria, the Legal Practitioners' Privileges Committee shall among other criteria (including but not limited to inheritance) have regard to proof of substantial proprietary and financial interest of the applicant in the said partnership, evidenced in a stamped deed under the hand and seal of all members of the said partnership in respect of the assets and infrastructure put forward for inspection which deed shall in all cases be in place for at least 5 years prior to the application at the chamber inspection stage:

Provided always that if such deed is adjudged by the Legal Practitioners' Privileges Committee to have been made for purposes of the applicant's application, the candidates and members of the said firm shall be barred from applying for a period of ten years and if such discovery is made after conferment, it shall constitute a ground for withdrawal of the award.

- 2) Where a Senior Advocate of Nigeria is found to have colluded with the applicant he is liable to have his rank withdrawn on account of such conduct.

21) Award to Academics

- 1) In any given year the Legal Practitioners' Privileges Committee may in appropriate circumstances appoint an academic who has distinguished himself and has made substantial contribution to legal scholarship and jurisprudence through teaching, research and published works in any Nigerian University, Research Institute, Nigerian Law School and other Recognized Institutions.
- 2) An applicant for the award of Senior Advocate of Nigeria under this category shall furnish at least 20 copies of his published works to the Legal Practitioners' Privileges Committee along with his application.
- 3) In the light of the above provisions, in Section 21 (1) and (2) the applicant published works or books shall be by a reputable publisher, whose reputation shall be assessed and determined by the academic sub-committee, the applicant shall also show substantial contribution to legal scholarship and jurisprudence through teaching, research and published works in any Nigerian University, Research Institute, Nigerian Law School and other Recognized Institutions.
- 4) Every application for the award of the rank on the ground of academic distinction shall be subject to evaluation by an academic subcommittee comprised of:
 - a) two law Professors from renowned Nigerian Universities;
 - b) a nominee of the Body of Senior Advocate of Nigeria;
 - c) a Justice of the Supreme Court who shall be the Chairman.

22) Withdrawal of the Rank of Senior Advocate of Nigeria

The rank of Senior Advocate of Nigeria may be withdrawn from any person holding the rank by the Legal Practitioners' Privileges Committee if the person is:

- a) adjudged by the Legal Practitioners' Privileges Committee to have conducted himself in a manner incompatible with the dignity and honor of the rank;
- b) found guilty of professional misconduct by the Legal Practitioners' Privileges Committee; or

- c) convicted by a Court of Law for any offence which in the opinion of the Legal Practitioners' Privileges Committee is incompatible with the honor and dignity of the holder trust of the rank such as an offence relating to breach of trust, theft or other offences involving fraud or dishonesty.

23. Citation

This guidelines may be cited as the Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria **2013**.

MADE at Abuja the 16th day of December, 2013.

**HON. JUSTICE ALOMA MARIAM MUKHTAR, GCON
Chief Justice of Nigeria
Chairman, Legal Practitioners' Privileges Committee**