

LEGAL PRACTITIONERS' ACT
CAP. L11, LAWS OF THE FEDERATION OF NIGERIA, 2004
REVISED EDITION

2022 GUIDELINES FOR THE CONFERMENT OF THE RANK OF
SENIOR ADVOCATE OF NIGERIA AND FOR RELATED MATTERS



ARRANGEMENT OF REGULATIONS

Regulations

PART I—OBJECTIVES, PRINCIPLES AND PROCEDURE FOR THE
APPOINTMENT OF SENIOR ADVOCATE OF NIGERIA

1. Objectives.
2. Principles.
3. Role of the Legal Practitioners' Privileges Committee.
4. The Secretariat.
5. Confidentiality.
6. Number of Persons to be Appointed to be Limited.
7. Eligibility for Advocates.
8. Competence for Advocates.
9. Eligibility for Academics.
10. Method of Application.
11. References for Advocates.
12. Particulars of Contested Cases Supplied by Advocate Applicants.
13. Partners and Public Officers.
14. Tax Payment and Documentation.
15. First Filter by the Secretariat.
16. Second Filter for Advocates.
17. Second Filter for Academics.
18. Feedback.
19. Complaints Procedure.
20. Review of Published Works and Ranking For Academics.
21. Review of Cases Submitted by Advocates.
22. Law Office Inspection.
23. Publication of Final Shortlist.
24. Oral Interview of Shortlisted Candidates.

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**2022 GUIDELINES FOR THE CONFERMENT OF THE RANK OF
 SENIOR ADVOCATE OF NIGERIA AND FOR RELATED MATTERS**

In the exercise of powers conferred on it by Section 5(2) of the Legal Practitioners' Act of Cap. L11, Laws of the Federation of Nigeria, 2004 (Revised Edition), and of all other powers enabling it in that behalf, the Legal Practitioners' Privileges Committee ("the Committee") makes the following Guidelines for Conferment, Discipline and Sanctions to the Rank of Senior Advocate of Nigeria and for related matters.

[13th Day of October, 2022]

Commence-
ment

PART I—OBJECTIVES, PRINCIPLES AND PROCEDURE FOR THE
 APPOINTMENT OF SENIOR ADVOCATE OF NIGERIA

1. The award of the rank of Senior Advocate of Nigeria (SAN) is a privilege conferred as a mark of excellence on members of the legal profession who —

Objectives.

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

2. The award of the rank of Senior Advocate of Nigeria shall be based on the following principles —

Principles.

(a) the award shall be an independent indication of excellence in the legal profession and provide a public identification of advocates whose standing and achievements would justify an expectation on the part of clients, the judiciary and the public that they can provide outstanding services as advocates and advisers in the overall best interest of administration of justice ;

(b) applications will be considered with merit as the primary consideration and without regard to ethnic origin, pedigree, physical disability, marital status, age, religious belief, political views or affiliations ;

(c) provided that not more than 20% of the total number of candidates to be appointed in each year, may be selected based on considerations relating to national character, geographical spread and gender representation ;

(d) the award shall be a self-financing process to ensure that the rigorous nature of the screening process is maintained. The appropriate fees as determined each year by the Committee shall be charged as processing fee and such fees shall be based on reasonable estimates of the cost of administering the process and shall be 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 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 significant contributions to the practice of Law, through teaching, research and publications that have become major sources of reference by Judges, Legal Practitioners, Law Teachers and Law Students ; and

(f) the fulfilment of the stipulated criteria for eligibility and competence as defined and published from time to time by the Committee shall be the primary basis for the award of the rank.

Role of the
Legal
Practitioners'
Privileges
Committee.

3.—(1) The Legal Practitioners' Privileges Committee shall exercise full control and management of the process of appointing persons to, and preserving the dignity of the rank of Senior Advocate of Nigeria.

(2) The primary mode of consultation by the Committee shall be by way of confidential reference from Justices and Judges of the following superior Courts of record —

- (i) the Supreme Court of Nigeria ;
- (ii) the Court of Appeal ;
- (iii) the Federal High Court ;
- (iv) the National Industrial Court ; and
- (v) all the High Courts of the States and the Federal Capital Territory.

(3) The Committee shall also rely on references and opinions from officials of the Nigerian Bar Association.

(4) These consultations, opinions and references shall not constitute the primary means of selection of candidates but shall be utilised as a final check in the selection procedure.

The
Secretariat.

4.—(1) The Secretariat shall bear primary responsibility for the conduct of the selection process for the award of the rank of Senior Advocate of Nigeria.

(2) In order to enable the Secretariat perform its functions effectively the Chief Justice of Nigeria and Chairman of the Committee shall direct at all times the manning of the Secretariat by a minimum of seven (7) Legal Practitioners each with a minimum of 10 years' post-call to Bar experience, each also being well versed in the use of computer and other forms of information technology, in addition to such other personnel as the Committee may request the Chief Justice of Nigeria to deploy to the Secretariat from time to time.

5. The process of selection for the award of the rank of Senior Advocate of Nigeria shall be conducted in such a manner that information provided by applicants, views and opinions given or expressed to the Committee by all persons consulted shall be treated in confidence.

Confidentiality.

6. The Committee may from time to time determine the number of persons to be conferred with the rank of Senior Advocate of Nigeria each year, having regard to the need to maintain the highest standard of excellence and prestige of the rank.

Number of
Persons to
be
Appointed
to be
Limited.

7.—(1) To be eligible for the award of the rank, the applicant must be a Legal Practitioner called to the Nigerian 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 (ten) years immediately preceding the date of application ; and in determining ' active current legal practice ' in addition to such inquiry it considers necessary, the Committee may consult —

Eligibility
for
Advocates.

(a) the Chief Judge of the State where the applicant has his main Law Office ; and

(b) the local branch of the Nigerian Bar Association where the applicant has his main office.

(2) The applicant must be of good character and must have no pending disciplinary case or complaint relating to professional misconduct against him at the Legal Practitioners Disciplinary Committee 2 (two) months before the commencement of the exercise.

(3) The applicant must —

(a) demonstrate high professional and personal integrity ;

(b) be honest and straight forward in all his professional/personal dealings ;

(c) be of good character and reputation ;

(d) be candid with clients and professional colleagues ;

(e) demonstrate a high level of understanding of the cultural and social diversity characteristic of the Nigerian society ; and

(f) show observance of the Rules of Professional Conduct and Etiquette at the Bar.

(4) An applicant shall be considered in eligible if in the opinion of the Committee he is adjudged to be —

(a) badly behaved in or out of court, in this case, bad behaviour includes —

(i) having poor temper management ;

(ii) having propensity to insult or assault ;

(iii) cause fear or bodily harm to others ; and

(iv) putting others to such fear or harm ;

- (b) addicted to drugs, alcohol or similar substances ;
- (c) morally depraved or has engaged in other socially unacceptable behaviour ;
- (d) abusive of legal or other trust, such as embezzlement or mismanagement of clients' or other funds ;
- (e) indulgent in blatant self-seeking praise or advertisement directly or indirectly through sponsored songs by musicians, records, tapes or other media ; and
- (f) touting for briefs or engaging in any form of canvassing for cases.

Competence
for
Advocates.

8.—(1) An applicant must have sound knowledge of the law and demonstrate excellent skills as an advocate with clear ability to use such knowledge for the advancement of the administration of justice.

(2) An applicant shall provide the following information to assist the Committee assess his professional competence —

(a) a list of 10 (ten) Judges of superior courts who can provide confidential references on his professional competence ; and

(b) a list of 6 (six) Legal Practitioners who can also provide confidential references on his professional competence ; the 6 (six) Legal Practitioners must be Legal Practitioners by whom the applicant 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 applicant's ability and integrity.

(3) For the purpose of evaluating professional competence of an applicant, a case will be considered of significance if in the opinion of the Committee it meets two or more of the following criteria —

(a) involves an issue of significant legal or public interest ;

(b) decides a novel point of law ;

(c) is considered ground breaking or a landmark decision ;

(d) is frequently cited in the Law Courts ; and

(e) contains or showcases the applicant's demonstrable or extraordinary research and scholarship ; or in which the applicant has been commended in the judgment for undertaking deep legal research or for writing a commendable brief or written address or advancing convincing, though not necessarily accepted arguments.

(4) An applicant should demonstrate tangible contribution to the development of the law through case law or publications in recognised journals or scholarly presentation at national or international conferences considered by the Committee to be of particular significance.

(5) An applicant should demonstrate clear leadership qualities and loyalty to the legal profession by —

(a) paying consistently, as at when due, his Bar Practicing Fees and membership dues to his local branch of the Nigerian Bar Association in the last 10 (ten) years preceding his application; and in the case of alleged loss of receipt(s) evidencing such payments, the only acceptable proof of such payments shall be by the applicant producing a certified true copy of a statement of account from the bank where any such fees or dues were paid ; and by the Secretariat of the Committee verifying the payment, by the use of bank or other finance documents at its disposal ;

(b) supplying to the Secretariat of the Committee documentary evidence of his conducting at least 3 (three) cases to conclusion on pro bono basis within the 10 (ten) years preceding the application ; and in this case, 'documentary evidence' means written letters briefing such applicant to conduct such cases and certified copies of the judgments in such cases.

9.—(1) In any given year the Committee may in appropriate circumstances appoint not more than one academic who has distinguished himself and has made significant contribution to legal scholarship and jurisprudence through teaching, research, published works and academic leadership.

Eligibility
for
Academics.

(2) To be eligible for appointment under this category, an applicant shall provide the Committee with at least 35 (thirty-five) copies of his published works, which shall include a minimum of —

- (a) 5 (five) academic works ;
- (b) 20 (twenty) articles in peer reviewed journals ; and
- (c) 10 (ten) presentations at notable conferences and seminars.

(3) The applicant's published works or books shall not be self-published but must have been published by a reputable publisher, whose reputation shall be assessed and determined by the Academic Sub-committee and in the case of articles, such articles must have been published in well respected journals that are subjected to peer review.

(4) An applicant under this category must present —

(a) detailed evidence of supervision of students, mentorship and leadership qualities along with his application ;

(b) references from at least three Professors of Law (each with not less than 10 (ten) years' experience as a Professor, who must also be resident in Nigeria) and 1 (one) of whom must be the applicant's colleague or peer in the same field of law indicated by the applicant ;

(c) evidence of having paid consistently as and when due his Bar Practising Fees and membership dues to his local branch of the Nigerian Bar Association in the last 5 (five) years preceding his application ;

(d) evidence of full time teaching and research in a faculty of law in a reputable university, duly accredited by both the National Universities Commission and the Council of Legal Education, a recognised legal research institute or the Nigerian Law School for a period of at least 10 (ten) years immediately preceding the application ;

(e) evidence of the applicant supervising postgraduate students ; and

(f) evidence of being a full Professor in a faculty of law in a reputable university, duly accredited by both the National Universities Commission and the Council of Legal Education, a recognised legal research institute or the Nigerian Law School and must have been so for at least 2 (two) years preceding the application, Provided that this requirement will not apply to an applicant holding the position of the Director-General of the Nigerian Law School, where he is not a Professor of Law or has not been a Professor of Law for up to 2 (two) years.

(5) Every application for the award of the rank on the ground of academic distinction shall be subject to evaluation by an Academic Sub-committee comprising of—

(a) a Justice of the Supreme Court who shall be the Chairman ;

(b) 4 (four) members of the Committee consisting of 2 (two) Judges and 2 (two) Senior Advocates of Nigeria, one of whom must be an academic ;

(c) 3 (three) Professors of Law from renowned Nigerian Universities who are also Senior Advocates of Nigeria who have held the rank for a minimum of 5 years.

(6) The 3 (three) Professors of Law referred to in paragraph 9(5)(c) above shall be appointed by the Committee for a term of two years, renewable for one term only.

Method of
Application.

10.—(1) Call for applications will be made not later than 1st November each legal year or such other date as the Committee may direct by publications in the media.

(2) Applications in the prescribed form, which shall include electronic or any other form prescribed by the Committee, must be returned not later than 31st January of the year of the application or such other date as the Committee may direct to the Committee's Secretariat at the Supreme Court of Nigeria.

(3) Every applicant shall pay a non-refundable processing fee in an amount to be determined by the Committee from time to time.

(4) Every successful candidate shall pay a processing conferment fee in an amount to be determined by the Committee from time to time.

11.—(1) The Committee will select 5 (five) Judges from the list provided by the applicant from whom it will request a detailed confidential reference. The 5 (five) Judges will be selected for each shortlisted applicant in such a manner as to ensure that a cross section of Judges from different levels of Courts as the applicant provides is represented.

References for Advocates.

(2) The Committee will select 3 (three) Legal Practitioners' from the list supplied by the applicant from whom it will request a detailed written confidential reference about the applicant.

12.—(1) Every applicant will be required to provide particulars of final decisions in contested cases he has conducted which satisfy the requirements of paragraph 8(3) above.

Particulars of Contested Cases Supplied by Advocate Applicants.

(2) The applicant shall provide particulars of the exact number of judgments required by these Guidelines and no more and shall list the judgments in what he considers to be the order of their significance, relative to the criteria set out in paragraph 8(3) and indicate which of the criteria set out in paragraph 8(3) the cases satisfy.

(3) The applicant shall provide a certified true copy of all the judgments referred to in his application with the places in which his appearance is recorded marked/identified or flagged either by uploading this material on an electronic portal or by delivering hard copies to the Secretariat as may be directed by the Committee from time to time.

(4) In addition, the applicant shall provide certified true copies of the records of proceedings in these cases with the places in which his participation is recorded marked/identified or flagged together with an index/table listing the pages where the applicant's participation was recorded in the record of trial proceedings.

(5) Where the cases are reported in a well known law report, the applicant shall in addition to providing the citation also attach copies of such reported cases.

(6) All judgments or records of proceedings submitted by the applicant must show that the applicant's name is reflected as having duly conducted the case as lead counsel.

(7) An applicant shall provide particulars of cases as follows —

(a) 20 (twenty) final judgments of the High Court, the National Industrial Court or Election Petition Tribunals provided that in respect of all such cases, an applicant shall provide certified true copies of processes signed and filed by him, excluding Exhibits, showing that the applicant as counsel

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substantially conducted the cases. In addition, an applicant shall provide letters of instruction from the client.

(b) 5 (five) final judgments of the Court of Appeal supported by briefs along with valid notices of appeal duly settled and argued by the applicant ;

(c) 4 (four) final judgments of the Supreme Court supported by briefs along with valid notices of appeal duly settled and argued by the applicant Provided that, where it is manifest that the applicant himself has conducted the case from the High Court up to the Supreme Court, he will be required to submit only 3 (three) final judgments of the Supreme Court supported by Appellant/Respondent briefs along with valid notices of appeal duly settled and argued at the appellate courts and the judgment and record of proceedings before the court of first instance ;

(d) where an applicant relies on a judgment of the Supreme Court or Court of Appeal or a record of trial proceedings that does not reflect the name of counsel that conducted the proceedings, the applicant shall provide a letter from the Presiding Justice on the panel of Justices, the Head of Court or Judge that delivered the judgment in the case, confirming/verifying the applicant as counsel that conducted the case ;

(e) final judgment referred to paragraph 12(1), 12(7)(a), 12(7)(b) and 12(7)(c) above means the decision of a Court of competent jurisdiction which decides and or determines the rights, interests and obligations of parties to its logical conclusion or finality and does not include Bench judgments/rulings, consent judgments, judgments in non-contested cases like default judgments and judgments in undefended suits ;

(f) notwithstanding the provisions of paragraph 12(e) above, applicants who have valid pending appeals before the Court of Appeal or the Supreme Court of Nigeria in which briefs have been settled prior to the making of these Guidelines and which appeals have been pending before the Court of Appeal or Supreme Court of Nigeria for a minimum of 7 (seven) years, and who are able to settle such appeals amicably by entering into terms of settlement and submitting to consent judgments will be permitted to count a maximum of 2 (two) such consent judgments as part of their cases for meeting the minimum criteria for applying for the rank of Senior Advocate of Nigeria ;

(g) this exception shall only apply to appeals in respect of which the applicant satisfies all the other requirements of paragraph 12(7)(b) and 12(7)(c) of these Guidelines and shall not be transferable between counsel ; and

(h) this exception will operate for a period of 5 (five) years from the effective date of these Guidelines.

(8) In compliance with paragraph 12(7), documents to be presented by applicants include —

(a) for record of trial proceedings of the High Court or other Superior Courts of Record in civil cases the documents are —

- (i) writ of summons/originating processes,
- (ii) statement of claim or statement of defence,
- (iii) counter-affidavit reply, and
- (iv) written address ;

(b) for record of trial proceedings of the High Court or other Superior Courts of Record in criminal cases the documents are —

- (i) charge/information sheet,
- (ii) final written addresses,
- (iii) final address on no case submission ;

(c) document for appellate cases under paragraph 12(7)(b), (c) and (f), the documents are —

- (i) the judgment appealed against,
- (ii) the notice of appeal,
- (iii) the appellant's brief or respondent's brief,
- (iv) respondent's notice and reply brief.

(9) In providing particulars of contested cases, an applicant shall provide particulars of cases decided within the 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.

13.—(1) A member of the legal profession seeking to be appointed to the rank of Senior Advocate of Nigeria in the advocate category, if in private practice, must be either the sole proprietor of a law firm or a partner in a law firm.

Partners and
Public
Officers.

(2) A member of the legal profession seeking to be appointed to the rank of Senior Advocate of Nigeria in the advocate category, if in the public service, must be a head of the relevant government department.

(3) In determining whether an applicant qualifies as a partner in a law firm for purposes of conferment with the rank of Senior Advocate of Nigeria, the Committee shall be shown or presented with evidence of a valid partnership deed among other criteria, including but not limited to inheritance duly registered with the Registrar of Business Names at the Corporate Affairs Commission or under the Partnership Laws of any of the States of the Federation, which demonstrates proof of proprietary and financial interest of the applicant in the said partnership, in respect of the assets and infrastructure put forward for

inspection which proprietary and financial interest shall in all cases have been in place for at least 2 (two) years prior to the application at the law office inspection stage —

Provided always that if such evidence is adjudged by the Committee to have been made up for purposes of the applicant's application, the applicant and partners of the said firm found culpable shall be liable to the penalties prescribed in paragraphs 25 and 26 of these Guidelines.

(4) 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.

Tax
Payments
and
Documentation.

14.—(1) Applicants must have paid their personal income tax as and when due and present evidence of income tax receipt along with clearance certificate which must have been issued from the applicant's place of practice domicile for a period of 3 years preceding the year of application.

(2) Applicants must also provide evidence of P.A.Y.E. tax deducted and remitted for the applicant's staff for a period of 3 years preceding the year of application.

(3) For applicants under the academic category, the applicant must produce valid evidence of tax payment (P.A.Y.E.) for a period of 3 years preceding an application.

First Filter
by
Secretariat.

15.—(1) All applications received by the Secretariat of the Committee within the stipulated time shall be filtered by the Secretariat.

(2) As part of the filtration process, the Secretariat shall write to all the tax authorities from which applicants submit evidence of payment of tax, forwarding copies of the evidence submitted and requesting written confirmation of the genuineness and authenticity of such evidence of tax payment. Provided that the failure of the tax authorities to respond to this enquiry shall not be a basis for not progressing an application.

(3) Applications that prima facie do not meet the stipulated conditions or where applicants plainly do not meet the criteria for eligibility or competence shall be rejected.

(4) The Secretariat shall make a detailed written report of its filtration exercise and submit this to the Committee and the Advocates Sub-committee, to enable them conduct a second or verifying filtration of the applicants and their applications.

Second
Filter for
Advocates.

16. Upon receipt of the Advocates first filtration report from the Secretariat, the Committee shall constitute sub-committees or panels to critically examine and review such report and then make their own detailed report to the plenary of the Committee for final decision, after which all unsuccessful

applicants shall be promptly notified in writing by the Secretariat of the decisions of the Committee and the reasons for such decision briefly but explicitly stated.

17.—(1) Upon receipt of the Academics first filtration report from the Secretariat, the Academic Sub-committee shall meet to critically examine and review such report and then make their own detailed report to the plenary of the Committee for final decision, after which all unsuccessful applicants shall be promptly notified in writing by the Secretariat of the decisions of the Committee and the reasons for such decision briefly but explicitly stated therein.

Second Filter
for
Academics.

(2) The second filter shall determine the eligibility of applicants as to strict compliance with the following requirements prescribed under these Guidelines —

- (a) method of application ;
- (b) submission of evidence of full professorship ;
- (c) payment of tax ;
- (d) payment of Bar Practicing Fees and Nigerian Bar Association local branch dues ;
- (e) submission of references ;
- (f) submission of evidence of supervision of students, mentorship, leadership and publications ;
- (g) evidence of teaching and supervision for the award of academic / professional degrees ; and
- (h) any other or further requirements as may be prescribed from time to time by the Committee.

(3) Non-compliance with the above-listed and all other applicable and stipulated requirements shall result in the affected applicant being disqualified from proceeding to the next stage.

18. There shall be a feedback process at the second filter stage. The Secretariat shall in form the affected applicants explaining why their applications were unsuccessful, and highlighting the areas where the applicants' applications were deficient.

Feedback.

19.—(1) Complaints about the outcome of the filtration process for both advocates and academics shall be determined by an Independent Appeals Committee, "the Appeals Committee" to be appointed by the Chairman of the Committee. The Appeals Committee shall comprise of —

Complaints
Procedure

- (a) a Justice of the Court of Appeal who shall be the Chairman ;
- (b) a Chief Judge of a State ;
- (c) 2 (two) Senior Advocates of Nigeria who have held the rank for a minimum of 5 years ; and
- (d) 1 (one) senior academic not below the rank of Professor who is also a Senior Advocate of Nigeria who has held the rank for a minimum of 5 years.

(2) Any applicant who files a complaint against his or her disqualification after the first and second filtration for the conferment of the award of Senior Advocate of Nigeria, shall be given a hearing in person before the Appeals Committee.

(3) Complaints presented to the Appeals Committee shall be heard speedily and results communicated to the Committee through the Chairman. The Appeals Committee may confirm the outcome of the filtration exercise and find an applicant ineligible to proceed to the next stage or may recommend that the outcome of the filtration stage be reviewed and that an applicant's application be considered eligible.

(4) In considering complaints presented before it, the Appeals Committee shall be restricted to a consideration of the materials the applicant submitted with his application. The only exception to this rule is where an applicant seeks to supply more legible or better evidence of materials submitted with his application. The Appeals Committee shall not accept or consider entirely fresh material not referred to or submitted by an applicant along with his application.

(5) The Committee shall review the findings and recommendations made by the Appeals Committee and if it agrees with the findings, take appropriate action as necessary.

(6) A decision by the Appeals Committee confirming that an applicant's application is ineligible or that the applicant is disqualified for any of the reasons listed in these Guidelines shall be a final decision and shall terminate that applicant's application for that year's exercise.

(7) Where the Appeals Committee recommends that an applicant's appeal to it has merit and that his disqualification or ineligibility should be reconsidered, the Committee, upon receipt of such report, shall give it due consideration, and if satisfied with any such recommendation, shall allow the applicant to proceed to the next stage and the Secretariat shall communicate this decision to him promptly.

(8) Where the Committee disagrees with the recommendation, that decision will terminate the applicant's participation in the exercise.

Review of
Published
Works and
Ranking for
Academics.

20.—(1) The Academic Sub-committee shall meet to conduct a review of all the materials submitted by qualified candidates under the academic category.

(2) The Academic Sub-committee shall determine the points to be awarded for each of the published works and other qualification criteria, which include but are not limited to —

- (a) books solely or jointly authored ;
- (b) books reviewed ;
- (c) articles in journals solely or jointly authored ;

- (d) chapters in books solely or jointly authored ;
- (e) edited works and co-edited works ;
- (f) edited journals ;
- (g) case reviews ;
- (h) inaugural lectures ;
- (i) newspaper publications ;
- (j) monographs ;
- (k) essays ;
- (l) conference proceedings (published and unpublished) ;
- (m) paper presentations, sole or joint ;
- (n) statute reviews ;
- (o) number of years of teaching ;
- (p) number and category of students supervised ;
- (q) evidence of mentorship provided to students ;
- (r) evidence of leadership positions held within and without the academic community ; and
- (s) evidence of research activity.

(3) Upon satisfying itself that the provisions of paragraph 20 (2) are fulfilled by applicants, the Academic Sub-committee shall proceed to score the candidates in accordance with the criteria set out in the paragraph and thereafter submit to the plenary of the Committee a list of all such applicants, indicating their individual scores.

(4) The Academic Sub-committee shall maintain quality assurance of the publications to be taken into consideration in this exercise and shall only consider publications that —

- (a) show significant contribution to legal scholarship and jurisprudence on the subject or field of law ;
- (b) have been subject to peer review ;
- (c) are not self-published or published by predatory journals or publishers ; and
- (d) are published by reputable publishers who have reputable academics and legal scholars on their editorial boards or committees.

(5) In assessing the quality assurance requirements for publications stipulated in paragraph 20(4) above, the Academic Sub-committee shall be entitled to request that the National Association of Law Teachers provide a list of the publications and publishers that meet these requirements from time to time.

21.—(1) The Committee shall review the cases submitted by all candidates in the advocates category who have been shortlisted for the purpose of ascertaining the extent to which such cases satisfy the criteria set out in paragraph 8(3) above.

Review of
Cases
Submitted
by
Advocates.

(2) In carrying out this exercise, the Committee may co-opt the services of eminent jurists, serving or retired, and eminent Senior Advocates of Nigeria to provide an initial assessment and ranking of the cases submitted by the candidates and rank these cases in accordance with a points grading system.

(3) The Committee shall take the review, assessment and ranking of the cases submitted by candidates into consideration in its further determination of the candidate's suitability and competence.

Law Office
Inspection.

22.—(1) The Committee shall direct physical, virtual or any other mode of inspection of the chambers of all candidates in the advocates category that have made it past the first and second filter. The chambers 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, including electronic resources ;
- (b) quality of the office space and other facilities and equipment available ;
- (c) number of counsel or partners in chambers (with evidence of letters of employment and pension scheme, evidence of payment of tax, provision of health insurance and participation in continuing legal education) ;
- (d) level of remuneration paid to the counsel in chambers relative to the remuneration policy established by the Nigerian Bar Association from time to time ;
- (e) number and quality of support staff ;and
- (f) maintenance of proper books of accounts.

(2) A candidate should have or be a partner in chambers considered by the Committee to have good and up to date facilities including a good quality law library and a good working environment. There must be at least 5 (five) full time legal practitioners and other para legal or support staff in full time salaried employment.

(3) The Committee shall from time to time provide Guidelines for the evaluation of candidates' libraries and chambers, which shall include —

- (a) standard textbooks, statute books and law reports in either hard copy or electronic format ; and
- (b) equipment including functional and serviceable computers, internet facilities, file cabinets, fire fighting equipment, generator, television set, CCTV, fridge, scanners, photocopiers, intercom, motor vehicle, etc.

(4) Where the quality of a candidate's chambers is in the opinion of the Committee below the required standard, the candidate shall be disqualified from proceeding and no further action shall be taken on his application. Such a candidate shall however be duly notified by the Committee of the reason for his disqualification.

23.—(1) The list of candidates that have scaled the first and second filters and the review of published works and law office inspection shall be published in identified National Dailies, Media or any other form the Committee may prescribe from time to time and shall also be sent to the Chief Justice of Nigeria, Justices of the Supreme Court of Nigeria, the President of the Court of Appeal, Justices of the Court of Appeal, the Attorney-General of the Federation, Chief Judges and Judges of States and the Federal High Court, and other Heads of Superior Courts of Record and their Judges, the National Secretariat of the Nigerian Bar Association and the candidate's local branch of the Nigerian Bar Association who shall be requested to comment confidentially on the integrity, competence and reputation of the candidates.

Publication
of Final
Shortlist.

(2) The list of candidates will also be sent to the Independent Corrupt Practices Commission, the Economic and Financial Crimes Commission and the State Security Service for a confidential report to be issued within 21 (twenty-one) days as to whether any of the shortlisted candidates is, or has been, the subject of any petition, investigation, prosecution or conviction.

(3) Any complaint/petition presented to the Chief Justice of Nigeria and Chairman of the Committee with respect to any shortlisted candidate must be in writing and must be filed within 21 (twenty-one) days after publication of the list of candidates shortlisted for the conferment of the award of Senior Advocate of Nigeria.

(4) Any complaint presented to the Committee must be accompanied with a verifying affidavit/documents duly deposed to before a Notary Public or a Commissioner for Oaths and the Secretariat shall promptly communicate the complaint to the affected candidates by electronic and other means of communication.

(5) Upon receipt of the complaint, the candidate in question shall file a reply within 7 (seven) days and such response must be accompanied with a verifying affidavit/documents duly deposed to before a Notary Public or a Commissioner for Oaths.

(6) The Committee shall cause any complaint against any candidate to be considered in a hearing by a sub-committee set up for that purpose, or permit its interview sub-committees to interrogate such a candidate with respect to such complaint ; and any sub-committee that conducts such assessment shall submit its findings and recommendations to the plenary of the Committee for a final decision to be taken.

24.—(1) The process of selection shall include an oral interview of prospective candidates at the final stage and where considered appropriate, a written test to enable the Committee carry out a final verification of the information provided in their applications and afford the Committee a further opportunity to ascertain the candidates' competence.

Interview of
Shortlisted
Candidates.

(2) The number of candidates to be appointed in any given year shall be determined by the Committee at the last meeting preceding the interviews.

(3) The Committee shall constitute interview 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 re-confirm that the candidate has met the eligibility criteria and conduct a further evaluation of the candidate's professional competence.

(4) The further evaluation of the candidate's suitability and competence shall be based upon the following weighted criteria —

- | | |
|---|---------------|
| (a) Comportment | (10 per cent) |
| (b) Integrity | (10 per cent) |
| (c) Quality of Presentation | (10 per cent) |
| (d) Opinion of Justices/Judges and the Nigerian Bar Association and the strength of references given on the candidate | (10 per cent) |
| (e) The period and subject matter spread of the candidate's submitted cases | (10 per cent) |
| (f) General knowledge of Law | (10 per cent) |
| (g) Contribution to development of Law | (15 per cent) |
| (h) Leadership qualities in the profession | (10 per cent) |
| (i) Quality of Law Office/Library | (15 per cent) |

(5) Each member of the Committee shall be provided with access to the application forms, copies of references, and the particulars and ranking 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, either in hard copies or by access to the electronic application and records of each candidate.

(6) 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 Committee shall have no prior notice of which candidates shall be appearing before them.

(7) The candidates shall be scored by each member of the panel after which an average of the scores awarded to the candidates by the panel shall be compiled for discussion at a joint session of all the sub-committees prior to submission for the final sitting of the Committee.

(8) The Committee shall meet to consider and review the report of each sub-committee.

(9) The Committee shall thereafter draw up a final list of successful candidates taking in to account the criteria set out in paragraph 2(b) of these Guidelines.

PART II — SANCTIONS AND DISCIPLINARY POWERS RELATING TO THE
RANK OF SENIOR ADVOCATE OF NIGERIA

25.—(1) The Committee shall, pursuant to the powers vested in it to confer the rank of Senior Advocate of Nigeria, exercise disciplinary powers over applicants and candidates applying for the rank and impose appropriate sanctions in proved cases of breach of statutory or ethical rules, as provided in this paragraph.

Sanctions for
Applicants
and
Candidates

(a) Where it is discovered that an applicant's application contains false or misleading information or any alteration, imprint or information calculated to mislead, such an applicant shall be blacklisted from applying for the rank of Senior Advocate of Nigeria.

(b) Where an applicant engages in the act of lobbying members of the Committee, either directly or indirectly with regard to the applicant's application, such an applicant shall be blacklisted from applying for the rank of Senior Advocate of Nigeria ; and in this context, lobbying includes any oral or written communications made formally or informally, directly or indirectly with a member of the Committee in an attempt to influence or that may in the opinion of the Committee reasonably be considered by the recipient of the communication as capable of influencing a decision concerning the conferment of the rank of Senior Advocate of Nigeria on any applicant or any of the process thereof.


(c) An applicant who has been blacklisted pursuant to the provisions of sub-paragraph (a) above shall not be considered for the award of the rank of Senior Advocate of Nigeria for a period of not less than 10 (ten) years whilst an applicant who has been blacklisted pursuant to the provisions of sub-paragraph (b) above shall not be considered for the award of the rank of Senior Advocate of Nigeria for a period of not less than 3 (three) years.

26.—(1) The Committee shall, pursuant to the powers vested in it to ensure the dignity of the rank of Senior Advocate of Nigeria exercise disciplinary powers over Senior Advocates of Nigeria who have been conferred with the rank and impose appropriate sanctions in established cases of breach of statutory or ethical rules, as provided in this paragraph.

Disciplinary
Powers over
Senior
Advocates
of Nigeria.

(2) The Committee shall have the power to impose any 1 (one) or more of the following sanctions on any Legal Practitioner holding the rank, namely —

- (a) withdrawal of the rank of Senior Advocate of Nigeria ;
- (b) suspension of the rank for a period of time not less than 6 (six) months ;
- (c) issuance of a letter of reprimand ;
- (d) payment of costs ; and
- (e) restitution.

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(3) The Committee shall have the power to take further appropriate steps or sanctions in carrying out any disciplinary action against any Senior Advocate of Nigeria.

(4) The Committee shall have the power to withdraw the rank of Senior Advocate of Nigeria from a person who is —

(a) adjudged to have conducted himself in a manner in compatible with the dignity and honour of the rank ; or

(b) found guilty of professional misconduct by the Legal Practitioners' Disciplinary Committee or any other professional body from any jurisdiction in or outside Nigeria ;or

(c) convicted by a Court of Law for any offence which in the opinion of the Committee is incompatible with the honour and dignity of the holder of the rank such as an offence relating to breach of trust, theft or other criminal offences ; or

(d) struck off the Roll of Legal Practitioners in Nigeria or any other jurisdiction ; or

(e) adjudged bankrupt ; or

(f) certified to be insane ;or

(g) found by a competent court in Nigeria to have conducted himself in a manner incompatible with the dignity and honour of the rank of Senior Advocate of Nigeria, upon the production of a report from such a Court ;or

(h) found to have concealed material information in the process for the award of the rank of Senior Advocate of Nigeria.

(5) If the Committee finds that the infraction committed by a Senior Advocate of Nigeria is not of sufficient gravity to justify a withdrawal of the rank, the Committee may impose any of the other sanctions contained in paragraph 26(2) above.

(6) The Committee may suspend a Legal Practitioner from the use of the rank of Senior Advocate of Nigeria pending the determination of any disciplinary action, complaint or prosecution against such a Legal Practitioner.

(7) Pursuant to sub-paragraphs (1), (2) and (3) of this paragraph, the Committee in the exercise of its functions as regards the withdrawal, suspension/discipline of any Senior Advocate of Nigeria shall set up disciplinary sub-committees to investigate and make recommendations pertaining to allegations of misconduct against Senior Advocates of Nigeria.

(8) The sub-committees shall not be bound by the rules of any courts or the laws of evidence but shall be guided by the rules and principles of natural justice and fair hearing and by the procedural rules attached as a Schedule to these Guidelines.

(9) The sub-committees shall make recommendations to the Committee.

(10) The Committee may initiate disciplinary proceedings against a Senior Advocate of Nigeria in response to a complaint or petition received from any person or of its own volition, where it becomes aware that a Senior Advocate of Nigeria has contravened any of the provisions of paragraph 26 (4) above.

(11) Where the Committee initiates disciplinary proceedings against a Senior Advocate of Nigeria in response to a complaint or petition received from any person and the Complainant or petitioner subsequently withdraws the complaint or petition, the Committee shall have the discretion to continue with the disciplinary proceedings in appropriate circumstances, where it is of the opinion that the complaint or petition contains prima facie evidence that the Senior Advocate of Nigeria has engaged in conduct incompatible with the dignity and honour of the rank of Senior Advocate of Nigeria.

(12) Where any person who files a complaint or petition to the Committee against a Senior Advocate of Nigeria has also filed a complaint or petition against the Senior Advocate of Nigeria before the Legal Practitioners' Disciplinary Committee, the Committee shall decline to entertain such complaint or petition.

27. These guidelines shall be cited as the 2022 Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria and for related matters.

Citation.

SCHEDULE

LEGAL PRACTITIONERS' PRIVILEGES COMMITTEE
 PROCEDURAL RULES FOR THE EXERCISE OF DISCIPLINARY
 POWERS OVER SENIOR ADVOCATES OF NIGERIA BY THE
 LEGAL PRACTITIONERS' PRIVILEGES COMMITTEE

TABLE OF CONTENTS

1. Citation and Commencement.
 2. Scope.
 3. Interpretation.
 4. Privilege for action of members.
 5. Time limit within which a complaint should be made.
 6. Extension of time limit for making complaints.
 7. Form of complaint.
 8. Initiation of complaint.
 9. Withdrawal of complaint.
 10. Preliminary Assessment Sub-committee.
 11. Action by Preliminary Assessment Sub-committee
 12. Reference to a Standing Disciplinary Sub-committee
 13. Composition of Standing Disciplinary Sub-committees
 14. Conflict of Interest or Bias by member of Sub-committee
 15. Terms of Reference and Mode of Sittings of Standing Disciplinary Sub-committees.
 16. Report of Standing Disciplinary Sub-committees.
 17. Interim suspension pending final decision
 18. Proposed disciplinary action.
 19. Notification of Decision.
 20. Publication of Decision.
 21. Abuse of the Disciplinary Process and Costs.
 22. Revocation.
 23. Transitional Provisions.
1. CITATION AND COMMENCEMENT
 - 1.1. These Rules are made pursuant to paragraph 26(8) of the Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria, 2022 and shall be cited as the Disciplinary Procedure Rules of the Legal Practitioners' Privileges Committee.
 - 1.2. These Rules shall come into force on the 13th day of October 2022.
 2. SCOPE
 - 2.1. These Rules govern the procedure to be followed by the Legal Practitioners' Privileges Committee in the exercise of the powers vested

in it to ensure the dignity of the rank of Senior Advocate of Nigeria by exercising disciplinary powers over Senior Advocates of Nigeria and impose appropriate sanctions in established cases of breach of statutory or ethical rules.

3. INTERPRETATION

3.1. In these Rules, unless otherwise expressly stated —

“*Guidelines*” means the 2022 Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria and for related matters.

“*Hearing*” means an administrative procedure of a quasi-judicial nature which observes the principles of fair hearing and affords an opportunity to be heard by an unbiased panel for the determination of the question whether a Senior Advocate of Nigeria ought to be sanctioned pursuant to the provisions of the Guidelines ;

“*Legal Practitioners’ Disciplinary Committee*” is the body established under section 11(1) of the Legal Practitioners Act Cap. L11 LFN 2004 (Revised Edition) ;

“*Legal Practitioners’ Privileges Committee*” (“the Committee”) is the body established under section 5(3) of the Legal Practitioners Act Cap. L11 LFN 2004 ;

“*Senior Advocate of Nigeria*” is a Legal Practitioner conferred with the rank of Senior Advocate of Nigeria by the Legal Practitioners’ Privileges Committee ;

“*Suspension*” means a suspension of all of the privileges accorded a Senior Advocate of Nigeria including the right to refer to oneself as, or to be referred to as a Senior Advocate of Nigeria, for a specific period or for an indefinite period ; and

“*Withdrawal*” means a permanent withdrawal of all of the privileges accorded a Senior Advocate of Nigeria including the right to refer to oneself as, or to be referred to as a Senior Advocate of Nigeria.

4. PRIVILEGE FOR ACTIONS OF MEMBERS

- 4.1. The members of the Committee shall have like protection and privilege, in the case of any action or suit brought against any of them for any act done or omitted to be done in the execution of their duties under these Rules as is by law given to acts done or words spoken by a Judge of any superior Court in the exercise of his judicial office.

5. TIME LIMIT WITHIN WHICH A COMPLAINT MUST BE MADE

- 5.1. A complaint must be made within 6 (six) months of the happening of the event or matter complained of ; provided that a complaint relating to a continuing state of affairs may be made at any time while that state of affairs continues or within 6 (six) months from when it ceases.

5.2. Subject to rule 6 of these Rules, a complaint made outside the time limits set in rule 5.1 must be dismissed by the Committee upon report to the Committee by the Secretary.

5.3. The Secretary shall notify the person making the complaint of the dismissal and the reason for the dismissal, not later than 30 (thirty) days after such dismissal.

6. EXTENSION OF TIME LIMIT FOR MAKING COMPLAINTS

6.1. The Committee may extend the time limit under these Rules, whether or not the time limit has expired, where there is good reason to do so.

7. FORM OF COMPLAINT

7.1. A complaint shall be prepared by the Complainant or by a Legal Practitioner of his choice, shall be in writing and contain a concise statement that details the specific facts on which the claim of misconduct or infraction of the provisions of the Guidelines is based. The statement of facts should include a description of —

(a) what happened ;

(b) when and where the relevant event happened ;

(c) any information that would help the Committee to ascertain the facts ;

(d) the nature of the misconduct alleged, itemised where several types of misconduct are alleged ; and

(e) for an allegation of disability under paragraph 26(4)(e) and (f) of the Guidelines, any additional facts that form the basis of the allegation.

7.2. A complaint must be typewritten, and where the Complainant is not a Legal Practitioner, must be signed by both the Complainant and the Legal Practitioner who prepared the complaint.

7.3. A complaint must be accompanied by a verifying affidavit deposed to by the Complainant before a Commissioner for Oaths of a Superior Court of Record or a Notary Public, verifying the truth of the facts alleged in the complaint.

7.4. A complaint must be supported by copies of all documents and materials the Complainant considers necessary to establish the complaint.

7.5. A complaint must contain the contact details of the Complainant or the Legal Practitioner representing him. Such contact details must include an address where the Complainant can be located, which must be a physical address and not a postal box number ; a telephone number or numbers through which the Complainant or the Legal Practitioner representing him can be reached ; and an email address or email addresses through which the Complainant or the Legal Practitioner representing him can be reached.

7.6. A complaint must also contain the contact details of the Senior Advocate(s) of Nigeria against whom the complaint is made. Such contact details must include an address where the Senior Advocate(s) of Nigeria can be located, which must be a physical address and not a postal box number; a telephone number or numbers through which the Senior Advocate(s) of Nigeria can be reached ; and an email address or email addresses through which the Senior Advocate(s) of Nigeria can be reached.

7.7. The Complainant shall provide 10 (ten) copies of the complaint together with a soft copy to be supplied in a portable external drive or by email.

8. INITIATION OF COMPLAINT

8.1. A complaint must be addressed to the Chief Justice of Nigeria and Chairman, Legal Practitioners' Privileges Committee, and filed at the Secretariat of the Committee.

8.2. The Secretary of the Committee shall cause the complaint to be registered in a complaints register to be kept in the Secretariat. The register shall contain the date the complaint was received, the serial number assigned to the complaint by the Secretariat, the name of the Complainant(s), the name(s) of the Senior Advocate(s) of Nigeria subject of the complaint, and a remarks column recording the action taken by the Secretariat.

8.3. The Secretary of the Committee shall forward a copy of the complaint to the Chief Justice of Nigeria and Chairman, Legal Practitioners' Privileges Committee within 7 (seven) days of receipt of the complaint at the Secretariat and place it on the agenda for the next meeting of the Committee.

9. WITHDRAWAL OF COMPLAINT

9.1. A Complainant or his Legal Practitioner may expressly withdraw in writing his complaint at any time.

9.2. Notwithstanding the withdrawal of a complaint, the Committee shall have the discretion to continue with the disciplinary proceedings in appropriate circumstances, where it is of the opinion that the complaint or petition contains prima facie evidence that the Senior Advocate of Nigeria has engaged in conduct incompatible with the dignity and honour of the rank of Senior Advocate of Nigeria.

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10. PRELIMINARY ASSESSMENT SUB-COMMITTEE

10.1. Upon a complaint coming before the Committee, the Chief Justice of Nigeria and Chairman, Legal Practitioners' Privileges Committee shall constitute a Preliminary Assessment Sub-committee, made up of 3 (three) members of the Committee consisting of 2 (two) Chief Judges and 1 (one) Senior Advocate of Nigeria.

10.2. The Preliminary Assessment Sub-committee shall review the complaint referred to it and advise the Committee whether the complaint should be —

- (a) dismissed for not establishing any prima facie case of a breach of the provisions of paragraph 26(4) of the Guidelines ;
- (b) terminated for any other reason ; or
- (c) referred to one of the Disciplinary Sub-committees for hearing.

11. ACTION BY THE PRELIMINARY ASSESSMENT SUB-COMMITTEE

11.1. In determining what advice to render, the Preliminary Assessment Sub-committee shall study the complaint carefully.

11.2. Where the Preliminary Assessment Sub-committee is of the opinion that a complaint should be dismissed or otherwise terminated for any reason without calling on the Senior Advocate(s) of Nigeria involved to respond to the complaint, the Preliminary Assessment Sub-committee shall set out its reasons in full.

11.3. Where the Preliminary Assessment Sub-committee is of the opinion that a complaint is of sufficient weight to require a reference to one of the Disciplinary Sub-committees, it shall make its recommendation to the Committee which may be in a summary form.

11.4. The Preliminary Assessment Sub-committee shall complete its review of complaints within 6 (six) weeks of the complaints being referred.

11.5. Where the Committee accepts the recommendation of the Preliminary Assessment Sub-committee that a complaint should be dismissed or otherwise terminated for any reason without calling on the Senior Advocate(s) of Nigeria concerned to respond to the complaint, the Secretariat shall notify the Complainant of this fact together with a summary of the reasons for the decision.

11.6. The Chairman shall refer the complaint to a Disciplinary Sub-committee where —

- (a) the Committee rejects the recommendation of the Preliminary Assessment Sub-committee that a complaint should be dismissed or otherwise terminated for any reason without calling on the Senior Advocate(s) of Nigeria involved to respond to the complaint ; or

(b) the Preliminary Assessment Sub-committee recommends that a complaint be referred to one of the Disciplinary Sub-committees for a hearing.

12. REFERENCE TO A STANDING DISCIPLINARY SUB-COMMITTEE

- 12.1. Once a complaint is referred to a Disciplinary Sub-committee, the Secretariat shall forward a copy of the complaint together with all the supporting material to the Senior Advocate(s) of Nigeria ("Respondent(s)") against whom the complaint is made within 7 (seven) days.
- 12.2. The Secretariat shall forward the complaint to the Respondent(s) by courier service as well as by email and shall also contact the Respondent(s) by telephone to notify him /them of the complaint.
- 12.3. The Respondent(s) shall have 30 (thirty) days from the date of delivery of the complaint to respond to the complaint.
- 12.4. The response must be typewritten and must contain a concise statement that answers every allegation of fact contained in the complaint.
- 12.5. The Respondent may prepare his response himself or may be represented by a Legal Practitioner of his choice. The response must be signed by the Respondent.
- 12.6. The Response shall be accompanied by a verifying affidavit deposed to by the Respondent before a Commissioner for Oaths of a Superior Court of Record or a Notary Public, verifying the truth of the facts stated in the Response.
- 12.7. The Response must be supported by copies of all documents and material the Respondent considers necessary to substantiate his defence.
- 12.8. The Respondent shall deliver 10 (ten) copies of the Response together with a soft copy to be supplied in a portable external drive or by email to the Secretariat and the Respondent shall also serve 1 (one) copy of his response on the Complainant.
- 12.9. The Complainant shall have 14 (fourteen) days from the date on which he is served with the Response to file a reply to the response if any.
- 12.10. At the expiration of these periods, the Disciplinary Sub-committee shall fix a date for hearing the complaint and the Secretariat shall communicate this date to the Complainant and the Respondent(s).

13. COMPOSITION OF THE DISCIPLINARY SUB-COMMITTEES

- 13.1. The Disciplinary Sub-committees shall be composed of 3 (three) members of the Committee.

13.2. The Chairman of the Disciplinary Sub-committees shall be a Chief Judge who shall be appointed by the Chairman from among the members of the Committee.

14. CONFLICT OF INTEREST OR BIAS BY MEMBER OF COMMITTEE

14.1. A member of the Committee shall recuse himself from appointment to or participation in the proceedings of a Preliminary Assessment Sub-committee or a Disciplinary Sub-committee in any instance in which he feels that he may have a conflict of interest that may cause him to be partial or biased in relation to the parties or the subject matter of any disciplinary proceedings under these Rules.

14.2. A party to the proceedings may at the earliest opportunity, challenge the participation of any member of the Disciplinary Sub-committee on ground of bias and state in writing satisfactory reasons why the member should not be allowed to participate in determining his case. Upon any such challenge, the Disciplinary Sub-committee shall consider same and decide on it before proceeding further.

15. TERMS OF REFERENCE AND MODE OF SITTINGS OF THE STANDING DISCIPLINARY SUB-COMMITTEES

15.1. The terms of reference for the Disciplinary Sub-committees shall be such as the Committee may decide. The terms may include the authority to—

(a) notify the subject Senior Advocate of Nigeria and any Complainant of its proposals for the conduct of the hearing; and whether it proposes to take oral evidence ;

(b) inform the subject Senior Advocate of Nigeria and the Complainant of their right to counsel ;

(c) exercise its discretion and announce its decision whether other witnesses may have counsel present when they testify.

15.2. All testimonies taken at the hearing shall be given under oath or affirmation and shall be recorded.

15.3. The rules of evidence shall not apply to the Disciplinary Sub-committee's hearings.

15.4. The Complainant shall be given an opportunity to produce evidence and call witnesses.

15.5. At any hearing of the Disciplinary Sub-committee the subject Senior Advocate of Nigeria has the right to present evidence, to compel the attendance of witnesses, and to compel the production of witnesses and to cross examine, in person or by counsel, the Complainant's witnesses.

- 15.6. The subject Senior Advocate of Nigeria and the Complainant shall submit written arguments to the Disciplinary Sub-committee at the end of the hearing and they may be given time to adumbrate on their written submissions.
- 15.7. The Disciplinary Sub-committee may take oral evidence if it considers it necessary to do so.
- 15.8. The proceedings of the Disciplinary Sub-committee may be conducted physically, virtually, by hybrid mode or by any other mode.
- 15.9. The Disciplinary Sub-committee shall arrange for any evidence given orally to be recorded in a transcript or by electronic recording.

16. REPORTS OF STANDING DISCIPLINARY SUB-COMMITTEES

- 16.1. After hearing the Complainant and the Respondent and their witnesses (if any) and after considering their submissions the Disciplinary Sub-committee shall within 30 (thirty) days of the representations complete its report.
- 16.2. The Disciplinary Sub-committee shall submit to the Committee through the Chairman a comprehensive report of its findings and recommendations for the Committee's action.
- 16.3. The report shall be accompanied by a statement of the vote by which it was adopted and signed by the Chairman and all members of the Disciplinary Sub-committee together with any dissenting or separate statements of Disciplinary Sub-committee members.
- 16.4. The Disciplinary Sub-committee's report to the Committee must contain :
 - (a) its findings of facts on each of the allegations in the complaint ;
 - (b) whether the case is substantiated or not ;
 - (c) if the case is substantiated the nature of misconduct or misconducts or disability found ;
 - (d) whether disciplinary action should be taken, and if so what disciplinary action should be taken ;
 - (e) findings with regard to any other matters in its terms of reference.

17. INTERIM SUSPENSION PENDING FINAL DECISION

- 17.1. Prior to taking the final decision, the Committee may suspend the subject Senior Advocate of Nigeria from enjoying the privileges of the rank.
- 17.2. In the event of an interim suspension, the Committee shall —
 - (a) notify the subject Senior Advocate of Nigeria of the suspension, the reasons for it and if the suspension is not immediate, the time when it comes into effect ;

- (b) notify the subject Senior Advocate of Nigeria of the factors that will be taken into account in determining when the suspension will end ;
- (c) inform the subject Senior Advocate of Nigeria of any action required by the Committee ; and
- (d) accelerate the hearing and determination of the complaint against the subject Senior Advocate of Nigeria.

18. DISCIPLINARY SANCTIONS

- 18.1. Upon a consideration of the report of the Disciplinary Sub-committee, the Committee may decide —
- (a) to confirm the disciplinary action recommended by the Disciplinary Sub-committee , or
 - (b) impose any other disciplinary action permitted by paragraphs 26(2) and (3) of the Guidelines.

19. NOTIFICATION OF DECISION

- 19.1. The decision taken in rule 18 of these Rules shall be notified to the following persons —
- (a) the subject Senior Advocate of Nigeria ; and
 - (b) the Complainant.
- 19.2. Upon a request made to the Committee, the decision may be notified to any other person. The grant or refusal of such request shall be in the absolute discretion of the Committee.

20. PUBLICATION OF DECISION

- 20.1. The Committee may publish information about disciplinary proceedings or the decision of the Committee in disciplinary proceedings. Publication for this purpose means any form of communication which is addressed to an individual, a section of the public or the public at large.

21. ABUSE OF THE DISCIPLINARY PROCESS AND COSTS

- 21.1. Any person who abuses the disciplinary process established by the ~~Guidelines by filing frivolous or repetitive complaints may be restricted~~ by the Committee from filing further complaints.
- 21.2. Such person shall first be given an opportunity to show cause in writing why his right to file further complaints should not be restricted.
- 21.3. Such person and the Legal Practitioner who present such frivolous or repetitive complaints shall be ordered to pay all the reasonable costs incurred by the subject Senior Advocate of Nigeria on an indemnity basis.

22. REVOCATION

22.1. Guidelines on the Conferment of the Rank of Senior Advocate of Nigeria No. 27 2018 is Revoked.

23. TRANSITIONAL PROVISIONS

23.1. These Rules shall apply mutatis mutandis to any case under consideration before these Rules come into force which has not been withdrawn, dismissed or determined.

MADE by the Legal Practitioners' Privileges Committee this 13th day of October 2022.

HON. MR JUSTICE OLUKAYODE ARIWOOLA, GCON
*Chief Justice of Nigeria and Chairman,
Legal Practitioners' Privileges Committee*

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