

**REPORT OF THE INDUCTION PROGRAMME FOR THE NEWLY APPOINTED
SENIOR ADVOCATES OF NIGERIA, HELD ON WEDNESDAY, DECEMBER 02,
2020 AT THE LAGOS CONTINENTAL HOTEL, VICTORIA ISLAND, LAGOS**

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1.1 Introduction

The Body of Senior Advocates of Nigeria (BOSAN) is a platform that brings together all Senior Advocates in Nigeria towards achieving the same purpose in the Judiciary. Part of its objectives include to maintain the highest standards of professional ethics, conducts, etiquette and discipline; and to promote the independence of the judiciary, the rule of law and the highest professional standards. The induction programme is one of the pre-swearing in activities organised by the BOSAN for the newly appointed members of the Senior Advocate of Nigeria before their conferment. The theme was ‘**Legal Ethics and Professionalism in the Practice of Law**’. It was the third in a row since the recommendation and directive were made in 2018.

1.2 The Objective

The ceremony served as an orientation for the newly appointed Senior Advocates. It also served as a platform to provide insights into the expectations from Senior Advocates and to remind them of the Rules of Professional Ethics, conduct and professionalism in the legal profession.

1.3 The Organising Team

The induction ceremony had a team and a faculty with the following members:

a. Facilitators:

- i. Hon. Justice Ejembi Eko, JSC
- ii. Mrs Miannaya Essien, SAN
- iii. Chief Folake Solamke, CON, SAN
- iv. Mr. A.B Mahmoud, OON, SAN
- v. Chief Louis Mbanefo, SAN
- vi. Professor Oluyemisi Bamgbose, SAN
- vii. Professor Fabian Ajogwu, SAN

b. Induction Programme Co-ordinators:

- i. Chief Felix Fagbohunbe, SAN
- ii. Professor Fabian Ajogwu, SAN
- iii. Mrs Abimbola Akeredolu, SAN
- iv. Olanrewaju A, Onadeko, SAN
- v. Mr Dayo Akindipe
- vi. Ms. Linda Odia

2.0 Summary of Sessions

2.1 Opening Preliminaries

The induction programme was anchored by the induction programme co-ordinator, Olanrewaju Onadeko, SAN and Prof. Fabian Ajogwu, SAN.

Onadeko, SAN gave an opening remark and a formal welcome to everybody present. He noted that the aim of the programme was to put the appointees through the essentials of the expectations of members of the inner bar. He expressed the hope that the aim of the induction would be achieved.

On the same note, Prof. Fabian Ajogwu, SAN also welcomed everyone. He stated that the programme was specifically designed to provide insights into what is expected from members of the inner bar. He noted that this was the third in a row as was directed by the then Chief Justice of the Federation. He added that speakers have been carefully selected to address key expectations from the members of the inner bar. He indicated that the speakers included old members who would be sharing their experiences in their journeys as well as what sought of demeanour and candour that are expected from members; and what happens whenever there is delta. He gave an overview of the sessions of the programme.

2.2 Session 1: General Introduction and the Role of Legal Ethics and Professionalism in the Practice of Law

Prof. Fabian Ajogwu, SAN made a presentation on the topic '*Ethics & Professionalism at the Inner Bar*'. The paper started with a quote by Denning MR in *Rondel v. Worsely* that generally, an advocate is equally a minister in the court with the judge and has monopoly of audience in higher courts. It noted that such right has corresponding responsibilities. An advocate owes a duty to the court and allegiance to the cause of truth and justice. From the definition of legal ethics, the paper emphasised that there is a minimally accepted conduct within the profession which involves duties to fellow members, to clients and to the court. It added that there is an expectation that members should show respect to seniors. Ethics generally involves conduct in compliance with what is laid down as proper. The paper noted a few points on Professional Ethics.

On the duty to take instructions and render legal advice to clients, the paper stated that respect depreciates with over availability. It strongly condemned instances where lawyers go to clients 'places to render advice or take instructions. Citing the provisions of the law guiding

professional conduct, the paper stated that there are reasons the law says they should do business in their places, except in special circumstances such as old age and extreme illness. The paper also highlighted that a lawyer has a responsibility and the discretion to understand cases and decide which of the cases he would bring to the court. It was also added that it is not enough that a negligent lawyer was only following his client's instruction. As a lawyer, he has the duty to represent his clients within the bounds of the law no matter how much he is paid. He should not fabricate facts or evidence and should not advise or encourage his clients to breach the law in whatever way. He should withdraw his service if his client insists on breaching the law and if it persists, the lawyer should terminate their relationship. A lawyer may act for a new client against a former client in an entirely new case, but he should not act against a former client in the same matter in which he previously represented him. He has a right of lien on client's property in his possession but he cannot spend the money he lays claim to. The paper advised that in this circumstance, the lawyer should have the matter settled by negotiation or through legal process.

In conclusion, the paper emphasised the importance of ethics, in knowing what is worth doing and what is not. According to Prof. Ajogwu, SAN, the journey to excellence is as important as the destination.

2.3 Session 2: Excellence and Professionalism in the Practice of Law

This session had presentations by Hon. Justice Ejembi Eko, JSC and Mrs Miannaya Essien, SAN. According to the paper by the distinguished jurist titled, there is a sustained increase in the number of advocates elevated to the rank of SAN. The elevation to this rank is based on certain attributes and not every practitioner qualifies for the award. As newly appointed members, there is a presumption that they live up to the burden and responsibility of professional leadership that the title imposes. The paper emphasised that the word 'excellence' used in the Guidelines is the 'operative objective' of the award of the rank of SAN on deserving advocates.

Congratulating the practitioners and academics who have scaled through the qualifying and selection process, the Hon. Justice noted that in every society, there are bad eggs but that these bad eggs must not be permitted to corrupt the good ones. He gave an instance where a senior advocate in an election petition proceeding sued the justice just to delay the process. The decorum of SANs emphasises on dignity. The paper noted that the presiding justice is a chief priest while the senior advocate is a high priest in the temple of justice. It further noted that a

SAN must not by his demeanour desecrate the temple and that the abuse of processes does not promote the rule and interest of the law. The paper also noted that the silk is well remunerated for the matters in which they appear, but added that they must not chase after profit over and above the profession, their rank and the law.

By virtue of the Guidelines (s. 23), a senior advocate must be competent, demonstrate high professional and personal integrity, honest and straightforward in his professional and personal dealings, of good character and reputation and observe the code of conduct and etiquette at the bar among other qualities. There are sanctions for applicants to the rank who present false and misleading information (s. 23(2)). Senior advocates must carry on their affairs with dignity and failure to do this can cost a member the rank and privileges. Citing an instance where a junior lawyer requested the help of a senior advocate in a matter and the SAN was seen in open court fighting and chasing the junior counsel out of the brief, distinguished Justice Eko enjoined members of the inner bar to embark on soul searching.

The paper described lawyers as social engineers with responsibilities to build, grow and stabilise the society. It added that they must know a lot about everything, and also a lot about a particular subject of the law. The silk will not excel in practice without scholarship, integrity and elegance. Consequently, he must spend his time and resources on research to ensure that he is equipped with the right knowledge and opinion on any issue. To this end the paper suggested that library inspection must form a crucial and fundamental part of the entire process.

On the issue of revolution in legal services, the paper emphasised a perennial probing minds and studious research should be the approach. It stated that it is not enough to be conferred with the privileges of SAN, but one must strive to be the best both in character and learning as the overall performance of the different parts of the justice administration system depends on it.

On her part, Mrs Miannaya Essien, SAN noted the importance of excellence expected from members of the inner bar. According to her presentation, the word 'excellence' is used in various regulations of the Guidelines for the Conferment of Senior Advocates. It is to this end that the rank is awarded as a mark of excellence to members of the profession who have distinguished themselves as advocates and academics. Defining excellence as the 'quality of being excellent and extremely good', the paper stated that there is a presumption that the appointed members live up to the burden and responsibility of professional leadership that the title imposes. The elevation is a privilege and not a right even though some members of the

profession have sued to enforce this as right. The paper posed raised pertinent questions on the presumption of excellence on conferment and noted that there is a rebuttable presumption of excellence that follows the conferment of the rank. The paper also noted that there has been calls for the abolition of the title both in Nigeria and even in England. According to the paper, these calls are on the ground that the rank is no longer an indication of merit and excellence. Certain commitments and sacrifice are needed to keep up the excellence These include competence and effective handling of briefs, understanding the demands of excellence, technical knowhow, dignity and good character all of which are fundamental to the rank.

The paper stated that senior advocates remain on a pedestal with high expectation which must be met. It however noted that often times, there are unreasonable expectations from conferees. It emphasised that excellence in the profession for learned silks demands empathy, good professional etiquette, giving back and contributing to the career development of junior colleagues, good personal health practices and wellbeing particularly because excellence is readily identified by its absence rather than its potential.

The paper also enjoined conferees to engage in active continuing legal education initiatives (R. 11 of the RPC). The SAN must be abreast with changes that occur within the profession and rules of court, practice direction of different courts of record. He must be on top of different court processes and fillings as they evolve. He must be conversant and acquire at least three or four technology platforms to execute matters especially considering the current realities of post COVID-19 pandemic.

The paper recognised that COVID-19 spelt a beginning for revolution in the way legal services are rendered and that this change will continue into the future. This was aptly noted in the AGC 2019 by Prof Fabian Ajogwu, SAN that there is a paradigm shift in the legal profession. According to the paper, this shift cannot be discussed without mentioning the impact of COVID-19 on the legal service sector as can be seen in virtual hearings and filling platforms. This means that attracting the right brief will significantly depend on previous achievements and competence and becoming a silk will not obliterate past failings. Owing to the paradigm shift, legal services are now characterised by information service instead of advisory service, one-to-many instead of one-to-one, proactive service instead of reactive service etc. Electronic-filling of processes have significantly created a complex and competitive marketplace that is more diverse, dynamic and multifaceted, offering new service types and providers

The paper also emphasised that learned silk must be familiar with the evolving methods of dispute resolution other than litigation. A senior advocate must be ready to invest in new services to provide clients with more contemporary solutions to their legal problems without running fowl of court rules of procedure.

In conclusion, the paper stated that excellence is not just an achievement but an attitude; it is a process as well as an achievement.

2.4 Session 3: Legal Practice as Senior Advocate of Nigeria

This session has Chief Folake Solanke, CON, SAN and Mr, A, B Mahmoud as facilitators. According to the presentation by the distinguished Learned Silk, there is an enormous duty on the conferral of SAN and this makes the title sacrosanct. The SAN must examine himself in all that he engages in within and outside the court room. The paper described the client- attorney relationship as sacred and a sensitive relationship that is hinging on trust. It stated that the inner bar carries a burden of professional dignity and therefore, the SAN must practice with the highest level of professional conduct and decorum, must deliberately pursue self-development and not get carried away.

On relationship with the court, a senior advocate owes a duty to the court and the law which must be placed above his services to the client. On the relationship with colleagues, a SAN must have regard to young lawyers, pay them timeously and adequately, allow days of holidays, designate opening and closing time for the chambers. This is without prejudice to overtime possibilities and commensurate remuneration attached to that. Senior advocates must recognise that young lawyers have lives outside their work. They must be able to monitor and mentor young lawyers, allow them to participate in actual court proceedings even with notable figures in the society as clients on either side of the parties. On the other hand, the junior lawyers must respect members of the inner bar and their seniors because that is how the bar was preserved for them to inherit. They must be taught that the inner bar is for SANs and they must perpetuate the tradition of seniority. The young lawyers must have regard to punctuality as time is money. The SAN must also keep to time and teach the juniors in their chambers to do the same. The paper however noted that there is an apparent rift between the outer bar and the inner bar that must be resolved.

The distinguished Learned Silk emphasised that the senior advocates must be impeccable in appearance - in wig and gown, black and white, and proper court shoes. A SAN must be a

reference point of integrity and should be corruption free. He must be able to maintain a client's account.

On the issue of legal fees, the paper stated that the silk must be an expert in billing the clients and should teach junior lawyers how to ensure full payment of the balance of their legal fees before judgement. In conclusion, the paper stated that with the adoption of written oral arguments and frontloading of most court processes, oral argument has little role to play in the outcome of proceedings, however, that whatever is left of oral arguments must be executed with utmost competence and eloquence. According to the distinguished senior advocate, sheer industry is *sine quo non* in the profession and the new senior advocates must familiarise themselves with the current rules of conduct for the inner bar.

Mr A.B Mahmoud, in his presentation noted that the legal profession is perceived as the most corrupt profession in Nigeria. The paper cited the Corruption Index with Nigeria as 140th in world corruption index. In a recent baseline study on the prevalence of corruption among professionals and professions in Nigeria with the support of the MacArthur Foundation (July 2019) the paper stated that the legal profession topped the chart with 60%, followed by bank employees averaging 40%, accountants and auditors 41%, and medical doctors clocking in at 23%. It suggested that the SAN must use his rank in defence of the profession.

The paper noted that there have been questions as to why the rank of SAN exists in the first place and whether it should not be abolished as there is a conferment of so much advantage on very few. It added that these agitations are not peculiar to Nigeria. It cited the United Kingdom where similar agitations led to the abolition of their QC version due to complaints about unfair advantage, more government patronage and market distortion, although this was restored in 2004 after reforms were carried out. These agitations are also prevalent in the legal service sector in Nigeria as seen in the strong resentment among lawyers towards members of the inner bar. The Nigerian experience was not an abolishment but a reform. These reforms included more rigorous and transparent selection process, more accountability and much more competitiveness as against an opaque selection process.

On the basis of international standards, the paper stated that the United Nations Principles for the Role of Lawyers adopted September 7th 1990 (Principle 12) declares that lawyers shall at all time maintain the honour and dignity of their profession as essential agents of the administration of justice. Lawyers in protecting the rights of clients and promoting the cause of justice, must seek to uphold human rights and fundamental freedoms recognised by national

and international laws and shall at all times act freely and diligently in accordance with law and recognised standards and ethics of the legal profession. The paper made reference to the IBA International Principles on Conduct of the legal profession issued on the 20th September 2006. Under the instrument, there are 10 key principles namely independence; honesty; integrity and fairness; conflict of interest; confidentiality/professional secrecy; client interest; lawyers undertaking; property of clients and their parties; competence; and fees. There are also cardinal expectations under the Rules of Professional Conduct, 2007. The national Legislation covers various issues including practice as a legal practitioner, relation with clients, relation with other lawyers, relation with the court, improper attraction of business and remuneration.

On what the future holds for the profession, the paper stated that the profession is currently operating in a turbulent age associated with technological disruption with the means of providing legal services and solving legal problems in a constant state of flux. It advised that the legal profession must pause and reflect on what the future portends. The learned silk must in response invest heavily in capacity building and infrastructure acquisition and maintenance. They must not be left behind in the advancement of technology and attendant changes. The IBA President's Task Force on the Future of Legal Services identified six drivers of change in the legal profession namely, changing demographic and values; skills mismatch and legal education reforms; globalisation and shift in legal tech development; regulatory innovations and gaps; and new forms of value creation. The paper further noted that according to a recent survey, African legal scholars and practitioners represent only 2% of total citations in global legal discourse. The paper charged the newly elevated SANs to start reflecting on how to move Nigerian and African legal research forward to occupy its place on the global legal plane.

In conclusion, the paper stated that amidst poor perception of lawyers in Nigeria; Amidst strong sense of resentment among younger members of the profession; and the turbulence and disruption of the core traditional values and precepts of the profession, the challenges of being a Senior Advocate cannot be more daunting. One of the key challenges is defining the future of the profession. We can only do this on the basis of strong ethical foundations capable of anchoring the profession

2.5 Session 4: Accountability and Discipline of a Senior Advocate of Nigeria

Chief Louis Mbanefo and Prof. Oluyemisi Bamgbose were the facilitators in this session. Chief Louis Mbanefo, SAN identified that legal practitioners have duties to clients, to the court and to colleagues. It stated that SANs must always appear serious both in courts and to their clients.

It added that as members of the bar, there are enormous responsibilities resting on their shoulders. It advised that the Bar and the Bench should address their interests in an atmosphere of respect and unity.

In conclusion, the Learned Silk expressed his appreciation for the invitation and extended his best wishes to them.

Prof. Oluyemisi Bamgbose, SAN in her presentation noted that Senior Advocates are legal practitioners and that s. 5 of the Legal Practitioners Act gives the Legal Practitioners Privileges Committee (LPPC) the power to make guidelines for the conferment of the rank of SAN on a legal practitioner after meeting some requirements. The legal practitioner has to distinguish himself in the practice of law through teaching, research and publication for those in the academia. For the advocate, there should be significant contribution to the development law (ss. 14 (1-5) and 23 (5) LPPC Guidelines 2018). The paper emphasised on the words 'significant' and 'substantial' as important part of the requirements both for the advocates and for those in the academia. On how to determine competence and significance of cases submitted, the paper described it as ground-breaking or land mark decision. The practitioner must be the lead counsel in several cases. For those in the academia, the published works must be with reputable publishers in addition to evidence of supervision of students. The paper suggested that after the conferment with the rank, that the many publications could be deposited in places of learning for various users. This, according to the paper would continue to make significant contributions to the development of legal practice. Prof. Bamgbose, SAN cited example of her publications which she deposited in the University of Ibadan. She also added that the University would be glad to receive such academic works in their library.

The paper added that in addition to depositing the academic materials in places of learning, that legal research legal research is mandatory and indispensable for any Senior Advocate of Nigeria. It defined Legal Research as the process of finding answers to legal questions and added that senior advocates should publish in order to stay relevant. They should also engage in mentorship and supervision of students. It described the rank as a mark of excellence and as a privilege with some rights and corresponding duties. It described the duties as tripartite: duty to clients, to court and to the state. The paper also emphasised that to whom much is given, much is expected, adding that it would no longer be business as usual. Describing the members as new wine in new bottles, the paper stated that they would no longer do some of the old the things they used to do. According to her presentation, while everybody is going the same

direction, the appointee should be ready take a different direction. It also advised that they should be careful, not to just publish for the sake of publishing but for the development of the profession. The paper further advised that the time has come to leave some of the old areas of laws and principles and to explore new areas. They are also to make the work of the judges less cumbersome through regular and updated research on law, review of books and publications, analysis of judgments, etc.

In conclusion, the paper stated that courts are flowing river and the legal practitioner has the duty to guide the flow of the river.

3.0 Summary of Interactive Session

At the end of the presentations, there was an interactive session where questions, observations and contributions were entertained from the appointees. During this session, it was noted that dress code should be observed strictly; a senior advocate should be properly attired in the courtroom and even outside the courtroom; that his dressing should be with decorum; that a senior advocate that mis attires completely will have to leave entirely from where other senior advocates are; that the gloves are to be held, not worn because legal practitioners write a lot. For other issues on dressing, Prof Ajogwu, SAN referred them to the book on dress code.

4.0 Closing Formalities

Olanrewaju Onadeko, SAN emphasised that dress code is very important to the profession. He stated that members should observe high decorum and dress code. Mrs. Miannaya Essien, SAN also spoke on dress code, adding that senior advocates should keep the example for the learned juniors to follow. Mr. Seyi Sowemimo, SAN also gave some congratulatory words to the newly appointed senior advocates. He threw lights on the subscription and annual fees of the BOSAN. He stated that the body complements the efforts of the NBA. He expressed the hope that the appointees already have an idea of what the body does including the annual lecture and annual dinner.

The BOSAN's journal, 'Nigeria Journal of Senior Advocates' was unveiled. In her speech, Chief Solanke, SAN enjoined everybody present to get a copy before leaving.

At the end of the induction programme, certificates of attendance were presented to the newly appointed senior advocates. This formed part of the swearing in requirements.

5.0 List of New Appointees

1. Obafemi Anthony Adewale Esq.
2. Chukwuemeka Obiajuru Nwagwu Esq.
3. Jacob Enunwe Ochidi Esq.
4. Mela Audu Nunghe Esq.
5. Lawrence Fubara Anga Esq.
6. Akinola Olugbenga Akintoye Esq.
7. Abdullahi Yahaya Esq.
8. Uzoma Henry Azikiwe Esq.
9. Efefiom Otu Efiom Ekong Esq.
10. Taiye Abimbola Babajide Oladipo Esq.
11. Babatunde John Kwame Ogala Esq.
12. Funmilayo Adunni Quadri Esq.
13. Jean Chiazor Anishere Esq.
14. Taiwo Johnson Kupolati Esq.
15. Aliyu Omeiza Saiki Esq.
16. Richard Oma Ahonaruogho Esq.
17. Yusufu Nya Akirikwen Esq.
18. Adedapo Osariuyime Tunde-Olowu Esq.
19. Olumide Folarin David Ayeni Esq.
20. Robert Egwono Emukpoeruo Esq.
21. Oluwatoyin Ajoke Bashorun
22. Chukwudi Chudi Nwabufu Obieze Esq.
23. Boma Florence Ayomide Alabi Esq.
24. Olusegun Johnson Fabunmi Esq.
25. Lotanna Chuka Okoli Esq.
26. Peter Adogbejire Mrakpo Esq.
27. George Olatunde Babalola Esq.
28. Osayaba Omorodion Giwa-Osagie Esq.
29. Ejike Chukwugekwu Ezenwa Esq.
30. Jimoh A. Mumini Esq.
31. Muhammad Katu Sani Ndanusa Esq.
32. Yakubu Abdullahi Hussaini-Ruba Esq.
33. Henry Okechukwu Akunebu Esq.

34. Oladapo Akande Akinosun Esq.
35. Dr. Uwadiogbu Sonny Ajala Esq.
36. Gideon Musa Kuttu Esq.
37. Ukachi Frederick Onuobia Esq.
38. Uwemedimo Thomas Nwoko Esq.
39. Joseph Nnabuezeh M. Mbadugh
40. Isiaka Abiola Olagunju Esq.
41. Nureini Oladoye Jimoh Esq.
42. Remi Peter Olatubora Esq.
43. Abimbola Oluseun Mobolaji Esq.
44. Moses Alfred Ebute Esq.
45. Nasiru Adamu Aliyu Esq.
46. Yusuf Asamah Kadiri Esq.
47. Festus Kayode Idepefo Esq.
48. Dada Adekunle Awosika Esq.
49. Afam Josiah Osigwe Esq.
50. Musibau Adetunbi Esq.
51. Mofolorunsho Mustapha Majiyagbe Esq.
52. Abdulwahab Muhammed Esq.
53. Fatai Ajibola Dalley Esq.
54. Chukwuka Nwabueze Ikwuazom Esq.
55. Terkura Douglas Pepe Esq.
56. Rasheed Okiki Adekunle Adegoke Esq.
57. Hussaini Zakariyau Esq.
58. Tochukwu Dominic Maduka Esq.
59. Mahmud Kola Adesina Esq.
60. Tijjani Alkali Gazali Esq.
61. Abdul Muhammed Esq.
62. Mohammed Ndarani Mohammed Esq.

Successful Academic Appointees

1. Prof. Afeisimi Dominic Badaiki
2. Prof. Bolaji Olufunmileyi Owasanoye
3. Prof. Oghenemaro Festus Emiri

4. Prof. Damilola Sunday Olawuyi
5. Prof. Zacchaeus Adangor
6. Prof. Edward Oyelowo Oyewo
7. Prof. Sani Muhammad Adam
8. Prof. Joseph Efeyeminen I.O. Abugu
9. Prof. Sampson Ihesiene Erugo
10. Omo-Eboh Omogbai Ikheowa

