

J-K GADZAMA LLP

LEGAL PRACTITIONERS * ARBITRATORS * MEDIATORS * REGULATORY CONSULTANTS

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Chief Joe-Kyari Gadzama, SAN (middle), Mr. Samuel Osamolu, Head of Academics, Nigerian Law School, Abuja Campus (3rd right), Mrs. Stanley Idum (3rd left), Mr. Akinlabi S. Akingbade (Partner/Head of Chambers) (2nd left) and counsel of J-K Gadzama LLP with the 2018 set of externs posted to the firm from the Nigerian Law School after the mock trial exercise conducted for the externs

EDITORIAL

We are pleased to present you with this edition of our newsletter.

In another demonstration of the Firm's long-standing commitment to the professional development and mentorship of both young lawyers and aspirants to the bar, our Principal Partner, Chief Joe-Kyari Gadzama, SAN, served as the guest lecturer in the inaugural edition of the Guest Lecture Series at Baze University, Abuja. The centrepiece of this issue is a topical exposition on the ethics of the legal profession in Nigeria, delivered by our Principal Partner at the event. The ethics of the profession is itself a timeless subject, but the volume of directions issued by the Legal Practitioners' Disciplinary Committee over the past few years indicates a worrisome increase in allegations of misconduct by lawyers, making this exposition all the more felicitous.

This edition also features scenes from the mock trial conducted by the firm for externs from the Nigerian Law School. This role-playing exercise, which has become a staple of the externship experience at J-K Gadzama LLP, provides students of the law school an opportunity to demonstrate their understanding of substantive and adjectival law, utilize and improve their analytical abilities, as well as develop advocacy skills.

Legal humour and other entertaining trivia make up the remainder of this edition. We hope that you find it illuminating and entertaining.

Happy reading.

¹The paper has been abridged for this publication. The entire paper is available for download on our website.

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ETHICS OF THE LEGAL PROFESSION FOR ASPIRANTS TO THE NIGERIAN BAR

Lecture delivered by

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at the Special Guests Lecture Series of Baze University
on 25th September, 2018



Chief Joe-Kyari Gadzama, SAN

INTRODUCTION

I was indeed elated when I received the invitation from the Faculty of Law of this citadel of learning, to speak to the students. This is because I consider every speech made to young people (not just aspirants to the Bar) as an opportunity to contribute positively towards shaping their future. I therefore take such opportunities with all pleasure. I am very grateful to the Vice Chancellor, Professor Tahir Mamman, OON, SAN and the entire management of Baze University for the very positive roles they are playing in the lives of the younger generation. I am particularly grateful to the Dean, Professor Chris Ohuruogu, the management and entire staff of the Faculty of Law of this great institution for the opportunity and rare privilege afforded me to address Nigeria's future leaders and to speak at the 1st Lecture in the series. I must also commend the Dean of the Faculty, for this initiative as it introduces law students to the adjectival aspect of law well ahead of time, as against the substantive aspect, which is what they are primarily used to.

It would be apt to also point out from the onset that, when I made up my mind to accept the invitation, the next puzzle that readily came to my mind was what topic should I speak on? So many topics came to my mind, each as important as the next. The first topic I considered was introduction to Arbitration and ADR. The clincher for me however, was the question I asked myself; how best to prepare aspirants to the Bar for the desired future? After careful thought and

brainstorming, I chose the topic 'the Ethics of Legal Profession for Aspirants to the Nigerian Bar' because, I sincerely believe that for a beginner in law, what I describe as a legal "foetus", the foundation is always critical and of essence. The worth, quality, value and durability of a building is determined by the depth and strength of its foundation. If the foundation of a legal career is mired in moral or ethical deficiency from the commencement, then such a person will likely not remain in our profession for long and even if he/she does remain, the person will likely remain a reference point for 'how best not to be a lawyer'.

No one can be a successful lawyer without a full grasp of and religious compliance with ethics, as there will be no fulcrum on which to stand. In the case of *Akpen v. Barclays Bank (1977) 1 S.C. 47 at 59* the Supreme Court adopted the view of Lord Denning in *Macfoy v. United African Company Ltd. (1961) 3 W.L.R. (P.C.) 1405 at 1409*, to the effect that: "You cannot put something on nothing and expect it to stay there. It will collapse." It is therefore no surprise that the names of so many lawyers have been removed from the Roll of Legal Practitioners in Nigeria. Offenders who have not had their names struck off the roll, have been suspended or have had certain attendant privileges taken away from them. Regrettably, some have even been imprisoned. The latest example of punishment of lawyers is found in a speech delivered by the Honourable Chief Justice of Nigeria, Honourable Justice W. N. Onnoghen, GCON, yesterday¹ where he gave the unfortunate story of the refusal by the Legal Practitioners' Privileges Committee to allow the swearing-in of a legal practitioner recently nominated for elevation to the rank of Senior Advocate of Nigeria. The Legal Practitioner was among 31 other Legal Practitioners who were nominated for the award of the rank of the Senior Advocate of Nigeria (SAN). However, because of a petition written against him, the Legal Practitioners' Privileges Committee withdrew his nomination.

It is therefore not surprising that very much like other professions; the legal profession has its guiding behavioral parameters (ethics), which hold lawyers, widely regarded as the learned ones, to a very high moral standard in the discharge of their professional duties, and in their daily

interactions with society. However, unlike other professions, the ethics of the legal profession invariably stipulate that a lawyer must be above board in his/her dealings at all times.

Nigerian lawyers, as a necessary consequence, must therefore live by the ethics of the profession as contained in the extant Rules of Professional Conduct for Legal Practitioners, since the profession is that which involves so much trust and access to privileged information, so that they can stand toe-to-toe with their colleagues anywhere in the world. Ethics must always be on the front burner. This underscores the special importance of Ethics in the legal profession. The preliminary basic question then is, what is ethics and what is ethics of the legal profession?

1. THE ORIGIN AND MEANING OF ETHICS IN LAW

The legal profession is an inherited profession. It originated from ancient Greece and Rome. In its modern form, it is British². It comprises the lawyers and judges (Bar and Bench) and the two are generally regarded as instruments of justice, as well as two sides of the same coin.

It was the Honourable Justice Kayode Esq,³ who said

“Ethics commenced with creation. That man was given leave to dwell; for his life only, to die in it was ordained for him; he must, and so was he meant to be in the theological Garden of Eden for that life. He was given dominion over everything - Animals, Vegetables, and Minerals therein, with only one obligation on his part, and that was to refrain from eating fruits from just one tree. Ethics⁴ demanded that Adam should keep his own part of the bargain. He did not; that was unethical, and that was his fall. Ethics demanded the best of man, that is, obedience and decency and that, having been given free sojourn in the Garden of Eden, he should leave by the tenets and conditions as enunciated by his creator. Man failed and that was the first known breach of ethics. Man was thereby ejected from the cherished garden for not keeping to the ethics attendant thereto, and that to his chagrin. This constitutes the first sanction for failure of ethics.”

The source of the rules of Professional Etiquette and Conduct, were self-imposed by the Bar in England way back in the 16th century and were developed as good manners among gentlemen. This was to correct the imbalance in relation to the profession and the client. They were meant to stop abuse hence the establishment of code of conduct in relation to the legal profession.

Legal ethics is defined as:

“the minimum standards of appropriate conduct within the legal profession, involving the duties that its members owe one another, their clients and the courts”⁵

According to the 7th Edition of the Oxford Advanced Learner's Dictionary (International Student's Edition), the word 'ethics' means:

“The moral principles that control or influence a person's behavior: professional/business/medical ethics.”

The English Cambridge Dictionary also defines ethics as:

“the study of what is morally right and wrong, or a set of beliefs about what is morally right and wrong.”

Taking these definitions into consideration, among others, it is clear that the ethics of any profession constitute its driving force. Without ethics, members of a profession or group will certainly lack vision, direction, purpose and a basic understanding of what that profession or group stands for. This explains why ethics was incorporated into the Nigerian Law School (NLS) programme for aspirants to the Bar.

Having defined ethics, one can say that “ethics of the legal profession” refer to the professional rules that guide the profession and ensure the highest standard of professionalism of its members.

2. OVERVIEW OF RELEVANT PROVISIONS OF THE RULES OF PROFESSIONAL CONDUCT FOR LAWYERS 2007

It must be noted at this point that the legal profession is ideally not open to all manner of persons. The profession is a noble and conservative one. The Supreme Court of Nigeria has held that:

“Legal practice is a very serious business that is to be undertaken by serious minded practitioners particularly as both the legally trained minds and those not so trained always learn from our examples. We therefore owe the legal profession the duty to maintain the very high standards required in the practice of the profession in this country⁶”

In Nigeria today, the ethics of the legal profession has been codified as the Rules of Professional Conduct for Legal Practitioners, 2007 (RPC) pursuant to the provisions of the Legal Practitioners Act⁷.

Legal practitioners are expected to have a copy of these Rules and apply the provisions of same in their daily lives and activities. As stated in the introduction to this paper, a Legal Practitioner is expected to live above board not even only professionally (in the discharge of legal instructions), but also privately.

The RPC has therefore set the standards expected of a legal practitioner on issues which include mode of dressing,

dedication and devotion to client's brief, mode of addressing the court, dealing with clients' funds, conduct in court, responsibility for litigation, representation of client and engagement in business.

In a nutshell, the Rules encapsulate the ethics of the legal profession, which must be taken very seriously by every legal practitioner. While I understand that some universities have incorporated ethics into their scheme of work for law undergraduates, it is my recommendation that ethics be made compulsory at the university level, even if it is as a component of one of the courses. Our younger ones who will eventually become the lawyers of tomorrow must begin to appreciate the importance of ethics at a very early stage. They must at an early age, appreciate the magnitude of the responsibility that their young shoulders must eventually bear upon their admission into the legal profession.

The RPC is divided into Seven (7) segments as follows:

- A - Practice as a Legal Practitioner
- B - Relation with Clients
- C - Relation with Other Lawyers
- D - Relation with the Court
- E - Improper attraction of Business
- F - Remuneration and Fees
- G - Miscellaneous

The foregoing segments of the Rules of Professional Conduct are further sub-divided into 57 Rules. Parts A and B of the rules are particularly attractive for our purpose. Some of the provisions are briefly discussed below:

General Responsibility of a Lawyer (Rule 1)

A Lawyer shall uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of professional conduct, and shall not engage in any conduct, which is unbecoming of a legal practitioner⁸.

Engagement in Business (Rule 7)

Unless permitted by the General Council of the Bar (hereinafter referred to as the "Bar Council"), a lawyer shall not practice as a legal practitioner at the same time as he practices any other profession.

A lawyer shall not practice as a legal practitioner while personally engaged in the business of buying and selling commodities; the business of a commission agent; such other trade or business, which the Bar Council may from time to time declare to be incompatible with practice as a lawyer or as tending to undermine the high standing of the profession.

For the purpose of the rule, "trade or business" include all forms of participation in any trade or business, but does not include- membership of the Board of Directors of a company, which does not involve either executive, administrative or

clerical functions; being Secretary of a company; or being a shareholder in a company.⁹

Dedication and Devotion to the Cause of the Client (Rule 14)

It is the duty of a lawyer to devote his attention, energy and expertise to the service of his client and, subject to any rule of law, to act in a manner consistent with the best interest of the client.¹⁰

Representing Client Within the Bounds of the Law (Rule 15)

In his representation of a client, a lawyer may refuse to aid or participate in conducts that he believes to be unlawful even though there is some support for an argument that the conduct is legal. In his representation of his client, a lawyer shall: keep strictly within the law notwithstanding any contrary instruction by his client and, if the client insists on a breach of the law, the lawyer shall withdraw his service; use his best endeavors to restrain and prevent his client from committing misconduct or breach of the law with particular reference to judicial officers, witnesses and litigants and if the client persists in his action or conduct, the lawyer shall terminate their relations.¹¹

Representing Clients Competently (Rule 16)

A lawyer shall not handle a legal matter which he knows or ought to know that he is not competent to handle, without associating with him a lawyer who is competent to handle it, unless the client objects; handle a legal matter without adequate preparation; neglect a legal matter entrusted to him; or attempt to exonerate himself from or limit his liability of his client for his personal malpractice or professional misconduct.¹²

Lawyer as Officer of Court (Rule 30)

A lawyer is an officer of the Court and accordingly, he shall not do any act or conduct himself in any manner that may obstruct, delay or adversely affect the administration of justice.¹³

Duty of Lawyers to Court and Conduct in Court (Rule 31)

A lawyer shall always treat the Court with respect, dignity and honour. Where the lawyer has a proper ground for complaint against a judicial officer, he shall make his complaint to the appropriate authorities. A lawyer who fails to comply either with any undertaking given by him personally or on behalf of his client to a court is *prima facie* guilty of professional misconduct. Except where the opposing lawyer fails or refuses to attend and the Judge is advised of the circumstances, a lawyer shall not discuss a pending case with a Judge trying the case unless the opposing lawyer is present. Except provided by a rule or order of court, a lawyer shall not deliver to the Judge any letter, memorandum, brief or other written communication without concurrently delivering a copy to the opposing lawyer.¹⁴

Employment in Criminal Cases (Rule 37)

For a member of the Bar who is employed in, or briefed to handle criminal cases particularly when it involves handling corruption cases Rule 37 becomes apposite, It says:

“Where a lawyer undertakes the defence of a person accused of a crime, he shall exert himself, by all fair and honourable means, to put before the Court all matters that are necessary in the interest of justice, but he shall not stand bail for a person for whom he or a person in his law firm is appearing.”

Where the lawyer accepts a brief for the defence in a murder trial, he shall be deemed to have given a solemn undertaking, subject to any sufficient unforeseen circumstances, that he will personally conduct the defence provided his fee is paid.

Where an accused person discloses facts which clearly and credibly show his guilt, the lawyer shall not present any evidence inconsistent with those facts and shall not offer any testimony which he knows to be false.

We must always bear in mind that all Legal Practitioners practicing in Nigeria are bound by the RPC. To further underscore this point, it is important to make reference to **Rule 55 (1) of the RPC** which provides as follows:

“If a lawyer acts in contravention of any of the rules in these Rules or fails to perform any of the duties imposed by the Rules, he shall be guilty of a professional misconduct and liable to punishment as provided in Legal Practitioners Act, 1975.”

See also the case of **Iteaogu v. LPC** (2009) 17 NWLR(Pt 1171) pg 614@ 620 where it was held thus:

“...any conduct that constitutes an infraction of acceptable standard or behaviour or ethics of legal profession, of any conduct which connotes conduct despicable and morally reprehensible as to bring the legal professional into disrepute if condoned or unpunished, will amount to misconduct.”

In the case of **EtimvObot**¹⁵ the Court of Appeal deprecated counsel's use of the words 'strange' and 'mysterious' in describing the judgment of the lower court as not only inappropriate but also inconsistent with high ethical standard of the profession.¹⁶

Unfortunately, some legal practitioners do not know that the duty of a legal practitioner under the RPC does not end at complying with the Rules but also extends to reporting the breach by other legal practitioners. **Rule 55 (2) of RPC**, which provides as follows, is apt on this point:

“It is the duty of every lawyer to report any breach of any of these rules that comes to his knowledge to the appropriate authorities for necessary disciplinary action.”

The recent Directions issued by the Legal Practitioners Disciplinary Committee (LPDC) clearly show an upsurge in the number of violations. These recent Directions have shown that legal practitioners now indulge in questionable professional conduct ranging from conversion of clients' funds, to lack of dedication in handling client's briefs, conflict of interest and many others. These were acts which were hitherto considered a grave sacrilege, but which now seem to have become the norm for those who perpetrate them.

The rise in professional misconduct and indiscipline in the legal profession has resulted in the increasing number of petitions written against lawyers on a regular basis. This is very disheartening and puts all of us at risk. All hands must be on deck to ensure that the trust and high regards which other members of the public have for us as legal practitioners are not completely eroded.

As earlier stated, the RPC and society hold a legal practitioner to an almost stratospheric moral standard. Legal Practitioners occupy a notable status in society at all times by their mere membership of the legal profession, whether they are acting in their capacity as legal practitioners or not. The LPDC in **NBA V. Lawalshaq (BB/LPDC/150/14)** reported in **Directions & Rulings of the LPDC (May 2014 – April 2017) volume three**, agreed with this assertion when it stated thus:

“A legal practitioner whether acting by virtue of office or not is in the eyes of the society an Honourable man with whom a bystander can leave his valuables and proceed on a journey and return to meet his property intact. Such was how a legal practitioner was highly viewed in those days. Thus, a lawyer possesses the unenviable duty to be civil, honest and decorous at all times.”

3. EASILY IDENTIFIABLE AND NOT SO EASILY IDENTIFIABLE BREACHES OF THE RULES OF PROFESSIONAL CONDUCT

These are actions and inactions of lawyers, which can be easily identified as having breached the provisions of the RPC. A Legal Practitioner will obviously be in breach of the regulations if he/she:

- a) insults a judge (either in open court or outside court). See Rules 30 and 31.
- b) dresses inappropriately to court. See Rule 36.
- c) arrives court stark drunk. See Rule 36.
- d) fights in open court. See Rule 36.
- e) instigates a client to sue. See Rule 47.

These are more readily discernible as acts of professional misconduct or unprofessional conduct. There are however some instances of breach that some lawyers are unaware of and it always comes as a rude shock when reality sets in. A lawyer will be said to have breached these rather salient rules where he/she:

- (a) takes briefing from a client in the client's house or even in the client's place of business. See Rule 22.
- (b) writes a letter to a judge in respect of a matter before the said judge and does not copy the other party in the letter. See Rule 32.
- (c) publicizes a live matter in which he is a counsel on social media. See Rule 33.
- (a) accepts gifts from his client's opponent. See Rule 54.
- (b) refuses to report a breach of the rules by a colleague. see Rule 55 (2) of RPC

There are several others, but these particular rules are regularly violated by legal practitioners, mostly out of ignorance. It is never a pleasing sight to see a lawyer violate the rules of professional conduct and a lawyer who witnesses it should report such. The resultant effect of a failure to report such incidents is that the society eventually starts to believe that such behaviour is the norm among other lawyers. It is therefore only fitting that it is also an offence not to report a lawyer who violates these Rules.

4. IBA INTERNATIONAL PRINCIPLES ON CONDUCT FOR THE LEGAL PROFESSION, 2011

This is an initiative by the International Bar Association with the sole aim of promoting and fostering the ideals of the legal profession globally. The principles cover 10 principal areas for the purposes of regulating the conduct of the legal practitioners globally. The areas covered are similar to the provisions of the Rules of Professional Conduct for legal practitioners in Nigeria. The major provisions of the said principles are in the following areas:

1. Independence

A lawyer shall maintain independence and be afforded the protection such independence offers in giving clients unbiased advice and representation. A lawyer shall exercise independent, unbiased professional judgment in advising a client, including as to the likelihood of success of the client's case.

2. Honesty, integrity and fairness

A lawyer shall at all times maintain the highest standards of honesty, integrity and fairness towards the lawyer's clients, the court, colleagues and all those with whom the lawyer comes into professional contact.

3. Conflicts of interest

A lawyer shall not assume a position in which a client's interests conflict with those of the lawyer, another lawyer in the same firm, or another client, unless otherwise permitted by law, applicable rules of professional conduct, or, if permitted, by client's authorisation.

4. Confidentiality/professional secrecy

A lawyer shall at all times maintain and be afforded protection of confidentiality regarding the affairs of present or former clients, unless otherwise allowed or required by law and/or applicable rules of professional conduct.

5. Clients' interest

A lawyer shall treat client interests as paramount, subject always to there being no conflict with the lawyer's duties to the court and the interests of justice, to observe the law, and to maintain ethical standards.

6. Lawyers' undertaking

A lawyer shall honour any undertaking given in the course of the lawyer's practice in a timely manner, until the undertaking is performed, released or excused.

7. Clients' freedom

A lawyer shall respect the freedom of clients to be represented by the lawyer of their choice. Unless prevented by professional conduct rules or by law, a lawyer shall be free to take on or reject a case.

8. Property of clients and third parties

A lawyer shall account promptly and faithfully for and prudently hold any property of clients or third parties that comes into the lawyer's trust, and shall keep it separate from the lawyer's own property.

9. Competence

A lawyer's work shall be carried out in a competent and timely manner. A lawyer shall not take on work that the lawyer does not reasonably believe can be carried out in that manner.

10. Fees

Lawyers are entitled to a reasonable fee for their work, and shall not charge an unreasonable fee. A lawyer shall not generate unnecessary work.¹⁷

5. PROCEDURES FOR THE DISCIPLINE OF LAWYERS IN NIGERIA

The Breach of any of the Rules of Professional Conduct in the legal profession could be held to constitute an infamous conduct in a professional respect.¹⁸ Any aggrieved party can write a written complaint against a legal practitioner to any of the following:

1. **The Chief Justice of Nigeria;**
2. The Attorney General of the Federation;
3. President, Court of Appeal or Presiding Justice of the Court of Appeal;
4. The Chief Judge of the High Court of a State or that of the FCT;
5. The Attorney General of a State;
6. Chairmen, Body of Benchers; and
7. President or Chairman of a Branch of Nigeria Bar Association.¹⁹

The procedures for the discipline of lawyers are summed up as follows:

- i. Receipt of a complaint or petition,
- ii. Any of the persons authorized to receive the petition or complaint shall forward same to the NBA which shall course the complaint to be investigated,²⁰
- iii. Investigation and if a *prima facie* case is established, Nigeria Bar Association shall forward a report of such case to the Secretary of the LPDC together and all documents not considered by the NBA and a copy of the complaint,²¹
- iv. Appointment of a legal practitioner by the NBA to present the case before the committee,²²
- v. Hearing of the case of a party either personally or through a counsel of his choice,
- vi. On the direction of the Chairman of the Disciplinary Committee, the Secretary shall fix a day of hearing and serve notices to parties (either through personal service registered post or e-mail etc),²³
- vii. There must be at least 15 days between the service of hearing notice and the date of hearing,²⁴
- viii. Except where the service is by publication in the newspaper, the Secretary is to serve on parties, other than the Complainant, both the hearing notice and copies of the report and the complaint prepared by the NBA.²⁵

6. SOME REGULATORY BODIES OF THE LEGAL PROFESSION IN NIGERIA

(a) Council of Legal Education

The Council of Legal Education was set up by the Legal Education Act of 1962 pursuant to the recommendations of the Unsworth Committee. The Council of Legal Education is the body primarily responsible for the education of persons aspiring to the legal profession in Nigeria. It is the Proprietor

of the Nigerian Law School. The body sets up and manages the institution.

(b) General Council of the Bar

The General Council of the Bar is established by Section 1 (1) of the Legal Practitioners Act. The body is charged with the following functions:

- i. Making and reviewing of the Rules of Professional Conduct and
- ii. Making of the Rules of Accounts to be kept by legal practitioners with the approval of the Attorney-General of the Federation – see **Section 20(1) & (2) of the Legal Practitioners Act.**

(c) Nigerian Bar Association

The Nigerian Bar Association is an association of all legal practitioners in Nigeria, which enjoys perpetual succession; but, is not a juristic personality. Membership is automatic upon enrolment at the Supreme Court of Nigeria, after Call to Bar. Each member of the NBA is expected to pay Practice fees latest by 31st of March each year. Amount to be paid depends on the number of years at the Bar.

(d) Body of Benchers

The Body of Benchers is established by Section 3(1) of the Legal Practitioners (Amendment) Act as a body of legal practitioners of the highest distinction in the legal profession in Nigeria with the responsibility for the formal call to the Bar of persons seeking to become legal practitioners. Indeed, an aspirant to the Bar must be sponsored by 2 members of the Body of Benchers before such a person can be called to the Nigerian Bar. The Body of Benchers is a body corporate with perpetual succession and a common seal. It is a juristic person that can sue and be sued in its own name.

(e) The Legal Practitioners Disciplinary Committee (LPDC)

One cannot talk about ethics of the legal profession without talking about the LPDC. The Committee is established pursuant to Sections 10 and 11 of the Legal Practitioners Act (as Amended), and vested with statutory powers to entertain and determine complaints of professional misconduct against Legal Practitioners in Nigeria. It is vested with the duty of considering and determining any case, where it is alleged that a legal practitioner has mis-conducted himself and should for any reason be the subject of disciplinary proceedings under the Act. This is a kind of self cleansing mechanism for the legal profession.

Appeals from the decisions of the LPDC go directly to the Supreme Court of Nigeria.

(f) The Legal Practitioners Privileges Committee

This Committee is established by Section 5 of the Legal Practitioners Act and it is primarily vested with the power to

award deserving legal practitioners with the rank of Senior Advocate of Nigeria. Conversely, it is also empowered to strip a Senior Advocate of Nigeria of the rank where such recipient falls short of acceptable moral or professional standards.

Where a legal practitioner is dissatisfied with their decision, there is no appeal to another body; rather such an aggrieved person will apply to the LPPC for a review of their earlier decision. The Chief Justice of Nigeria chairs this committee.

CONSEQUENCES OF VIOLATION OF ETHICS OF THE LEGAL PROFESSION IN NIGERIA

The penalties for unprofessional conduct are as enshrined in **Section 11 of the Legal Practitioners Act**. The LPDC is empowered under the Act to give any of the following directions against a person found liable:

- (i) Ordering the Registrar of the Supreme Court to strike that person's name off the roll (disbarment); or
- (ii) Suspending that person from practice by ordering him not to engage in practice as a legal practitioner for such period as may be specified in the direction (debarment); or
- (iii) Admonishing that person, and any such direction may, where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other thing as the circumstances of the case may require.
- (iv) The Legal Practitioners Privileges Committee similarly, has the power to either suspend the indicted Senior Advocate or totally strip him/her of the privileges associated with the rank.²⁶

7. RECOMMENDATION

Before I conclude, I must recommend that if the commitment of the legal profession and legal academia to producing sound lawyers is genuine, legal ethics must be the most important subject not only in the Law School, but in the undergraduate curriculum in the various faculties of law. Properly taught, ethics courses should provide the lens through which students view what it means to be a lawyer and discover how to find meaning in their work. From a pragmatic perspective as well, legal ethics is the only subject in law school "which every student [who becomes a lawyer] will encounter in practice."

This recognition of the significance of teaching legal ethics would require extensive revision of the entire curriculum for

teaching law, at both the law school and the various faculties of law in Nigeria. It is recommended that legal ethics should be a compulsory course of at least two credits for the first three years at the undergraduate level.

8. CONCLUDING REMARKS

Legal Practitioners must see themselves as a special breed from which the society and the law expect the highest standards of behavior and conduct. In fact, we are the *primus inter pares*.

We are however not ignorant of the fact that some members of the profession in their mad rush to hit the jackpot, seem to have forgotten all that was taught to them in the University and at the Law School, and have instead become adherents of the fabled 11th Commandment, **'Thou shall not be found out'**.

Inevitably, the fabled 11th Commandment turns out to be just what it is (i.e. a fable) and the long arm of the law (which I assure you is no fable at all) does what it does best and catches up with them thus bestowing upon us time and again the painful task of self-cleansing.

Legal practitioners must be guided by the principles of professionalism, integrity, dignity, discipline, uprightness and excellence. We must not be found wanting in any respect, whether professionally or privately.

Kindly, permit me to conclude by adopting the admonition of the LPDC in its direction delivered on the 10th day of May, 2013 in **case no. BB/LPDC/091 – NIGERIA BAR ASSOCIATION V. G.C MONYEI**:

"Any legal practitioner that wants to remain in the fold of men of noble learning must abide by the simple rules of professional ethics and be standard bearers of all that is good, noble and excellent. Those that cannot keep within the rules of professional ethics should voluntarily go and look for other past times to engage in."

I would at this juncture advise would-be legal practitioners, like you, to do what I do, when you eventually become lawyers. I simply make a copy of the Rules of Professional Conduct handy everywhere I go. I keep a copy in the car, a copy in my court bag, a copy in my office and a copy in the library at home. This is to ensure that I can easily refer to it whenever I am in doubt. I strongly admonish all others (and students too) to imbibe this principle, as this drastically reduces the possibility of a breach of these rules.

In the end, it is only our strict adherence to the ethics of this profession that can save it from the few deviants who intermittently put us in the news for the wrong reasons. In the same vein, strict compliance protects us from the sword of

Damocles that is hanging to crush any miscreant or deviant.

Thank you for your attention.

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PHOTO SPEAK

Mock Trial Exercise Conducted for the 2018 Set Of Externs From The Nigerian Law School on Friday, 29th June, 2018



Chief Joe-Kyari Gadzama, SAN (middle), Mr. Samuel Osamolu, Head of Academics, Nigerian Law School, Abuja Campus (3rd right), Mrs. Stanley Idum (3rd left), with the 2018 set of externs posted to the firm from the Nigerian Law School



Mr. Samuel Osamolu (4th right), Chief Joe-Kyari Gadzama, SAN (5th right), Mrs. Stanley Idum (5th left), and Mr. Akinlabi S. Akingbade (Partner/Head of Chambers) (4th left) with participants



Chief Joe-Kyari Gadzama, SAN (3rd right) with interns. L-R: Ndam Esmeralda, Abdallah Anwar, Okore Ezinne, Faith Jonathan and Alice Ameh

PHOTO SPEAK

Mock Trial Exercise Conducted for the 2018 Set Of Externs From The Nigerian Law School on Friday, 29th June, 2018



(Foreground), L-R: Hauwa Mohammed and Sylvia Didam as clerks during the mock trial. (Background): Mr. Akinlabi Akingbade presiding.



L-R: Abiodun Akingbade, Ufedoenyojo Zakari and Adebayo Abimbola as counsel for the defendant during the mock trial



L-R: Obono Mbasekei Martin, Farida Mohammed and Segun Faniran as counsel for the claimant during the mock trial



Mr. Akinlabi S. Akingbade (Partner/Head of Chambers) presiding over the mock trial



Mrs. Nkechi Anyanwu (Associate, J-K Gadzama LLP) addressing the externs



L-R: Chief Joe-Kyari Gadzama, SAN, Mrs. Stanley Idum and Mr. Samuel Osamolu



L-R: Mrs. Charity Chawoza, Mrs. Chimdindu Etuwewe and Mrs. Nkechi Anyanwu



Mrs. Chimdindu Etuwewe (Associate, J-K Gadzama LLP) addressing the externs



Chief Joe-Kyari Gadzama, SAN addressing the externs



Mr. Samuel Osamolu addressing the externs

LEGAL HUMOUR

THE PREPARED WITNESS

A witness to an automobile accident was testifying. The lawyer asked him, "Did you actually see the accident?"

The witness: "Yes, sir."

The lawyer: "How far away were you when the accident happened?"

The witness: "Thirty-one feet, six and one quarter inches."

The lawyer (thinking he'd trap the witness): "Well, sir, will you tell the jury how you knew it was exactly that distance?"

The witness: "Because when the accident happened I took out a tape and measured it. I knew some annoying lawyer would ask me that question."

INGENUITY

Three lawyers and three doctors are travelling by train to a conference. At the station, the three doctors each buy tickets and watch as the three lawyers buy only a single ticket. "How are three people going to travel on only one ticket?" asked one of the three doctors. "Watch and you'll see," answers one of the lawyers. They all board the train. The doctors take their respective seats but all three lawyers cram into a restroom and close the door behind them. Shortly after the train departed, the conductor comes around collecting tickets. He knocks on the restroom door and says, "Ticket, please." The door opens just a crack and a single arm emerges with a ticket in hand. The conductor takes it and moves on.

The doctors saw this and agreed it was quite a clever idea. So after the conference, the doctors decide to copy the lawyers on the return trip and save some money. When they get to the station, they buy a single ticket for the return trip. To their astonishment, the lawyers don't buy a ticket at all. "How are you going to travel without a ticket," asks one perplexed doctor. "Watch and you'll see," says one of the lawyers. When they board the train the three doctors cram into a restroom and the three lawyers cram into another one nearby. The train departs. Shortly afterward, one of the lawyers leaves his restroom and walks over to the restroom where the doctors are hiding. He knocks on the door and says, "Ticket, please."

PHOTO SPEAK

AT THE SPECIAL GUESTS LECTURE SERIES OF BAZE UNIVERSITY
ON 25TH SEPTEMBER, 2018



Chief Joe-Kyari Gadzama, SAN and Prof. Ernest Ojukwu, SAN with students of the Faculty of Law, Baze University



L-R: Chief Joe-Kyari Gadzama, SAN delivering his lecture



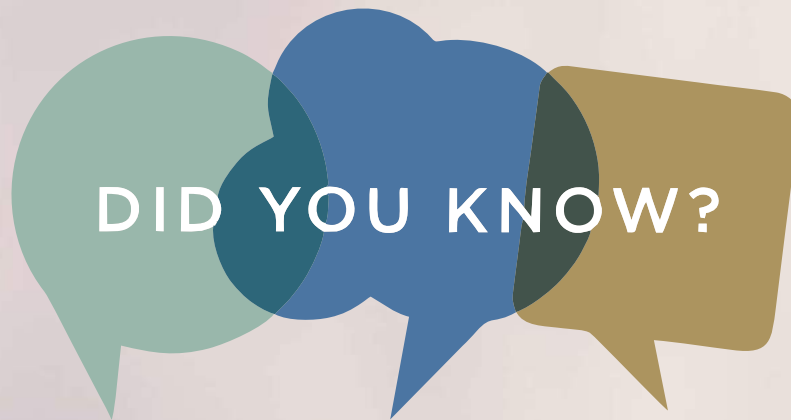
A section of the audience



L-R: Chief Joe-Kyari Gadzama, SAN and Prof. Ernest Ojukwu, SAN



Dayo Ashonibare, lecturer, Baze University, giving introductory remarks



Did you know that In Samoa it is a crime to forget your wife's birthday.

In Utah, USA, birds have the right of way on public highways.

In Zeigler, Illinois, USA, only the first four firemen on the scene will be paid.

In Kansas City, USA, it is illegal to catch fish with your bare hands.

It is illegal to paint your house in Mozambique without first obtaining permission from municipal authorities.



Chief Joe-Kyari Gadzama, SAN, (2nd left), Mr. Mohammed Monguno (2nd right) Mr. Akinlabi Akingbade (left), Mr. Keffas Gadzama (3rd right) Mr. Darlington Onyekwere (4th right) and Mr. Madu Joe Gadzama (right) celebrating with August-born Counsel in Chambers



Chief Joe-Kyari Gadzama, SAN, (2nd left), Mr. Mohammed Monguno (right) Mr. Akinlabi Akingbade (2nd right), Mr. Keffas Gadzama (left) and Mr. Darlington Onyekwere celebrating with July-born Counsel in Chambers



Chief Joe-Kyari Gadzama, SAN, (middle) celebrating with September-born Counsel in Chambers



L-R: Madu Joe Gadzama, Mr. Christopher Von Krause, Mr. Steven Finizio, Mr. Chuba Nwokedi, Mr. Duncan Bagshaw and Mr. Tsegaye Laurendeau at the book launch by Centre of African Studies, Title 'Rethinking the Role of African National Courts in Arbitration; edited by Emilia Onyema at SOAS University of London, Russel Square, London on Monday, 23rd July, 2018



L-R: Darlington Onyekwere, Mimi Jooji, Helen Ifionu and Adaobi Ofoneta at the seminar on Rules of Evidence in International Arbitration sponsored by the International Chamber of Commerce Young Arbitrators Forum and held at J-K Gadzama Court, Abuja.

NEWS FROM THE FIRM

- The firm is pleased to announce the elevation of Mr. Akinlabi Akingbade, ACI Arb. (UK), ChMc to Partner/Head of Chambers.
- The firm is pleased to announce the appointment of Darlington Onyekwere as Chair of the firm's Litigation Department.
- The firm congratulates Madu Joe Gadzama (Junior Partner) whose family welcomed a son in the United Kingdom on 3rd October, 2018.
- The firm is pleased to announce that Mrs. Geraldine Mbah and Francis Oronsaye have joined the firm as Senior Associates. The firm welcomes them and wishes them a rewarding and fruitful stay.
- The firm congratulates Madu Joe Gadzama on his elevation to the status of Member, Chartered Institute of Arbitrators (UK).
- The firm commiserates with Christopher Okougha, associate in the firm's Litigation Department, on the passing of his father. May his soul be granted eternal peace.

The following persons interned with the firm:

- Ifeanyi Ugwuanyi, a graduate of University of Nigeria, Nsukka (UNN) awaiting Law School Admission this Year.
- Onyinyechi Onumajuru, called to the Nigerian bar in 2017.
- Cynthia Igwedibia, a 4th year law student of the University of Nigeria, Nsukka.
- Halilu Hannatu Mohammed, 5th year law student, Nile University, Abuja.

UPCOMING EVENTS & CONFERENCES

- International Bar Association Annual Conference, Roma Convention Centre, Rome, Italy, 7th to 12th October 2018.
- Chartered Institute of Arbitrators, Nigeria Branch Annual Conference and Gala Night, Transcorp Hilton Hotel, Abuja, 25th - 26th October, 2018.
- Commissioning of Janada International Centre for Arbitration and Mediation (JICAM) by Hon. Justice Zainab A. Bulkachuwa, OFR, JCA, President, Court of Appeal, Nigeria, 24th October, 2018.
- Opening of Legal Year Ceremony of the High Court of the Federal Capital Territory, High Court of the FCT Complex, Maitama, Abuja, 29th October, 2018.
- Conferment of Fellowship on Awardees by Director General, Nigerian Institute of Advanced Legal Studies, Prof. Adekunle Adedeji, SAN, and Presentation of Nigerian Institute of Advanced Legal Studies' Fellows' Lecture by Chief J-K Gadzama, SAN, National Judicial Institute, Abuja, 6th November, 2018.
- 11th J-K Gadzama LLP Annual Lecture by Mrs. Oby Ezekwesili, Hon. Justice S.M.A Belgore Hall, J-K Gadzama Court, Abuja, 29th November, 2018.

OUR PEOPLE

1. **Chief Joe-kyari Gadzama**, OFR, MFR, SAN, FNIALS, DIPICArb, FCIArb, (UK), Chartered Arbitrator
Principal/Founding Partner
2. **Prof. Tahir Mamman**, OON, SAN
Senior Partner
3. **Mohammed Monguno**, ACIArb, (UK)
Managing Partner
4. **Akinlabi S. Akingbade**, ACIArb, (UK), ChMc
Partner/Head of Chambers
5. **Keffas Gadzama**, (CP Rtd), ACIArb, (UK)
Partner
6. **Darlington Onyekwere**, ACIArb, (UK)
Junior Partner
7. **Madu Joe Gadzama**, LL.M (Warwick), MCIArb, (UK)
Junior Partner

SENIOR ASSOCIATES

1. **John Echezona Unachukwu**
2. **Charity A. Chawoza**
3. **Geraldine O. Mbah**
4. **Francis O. Oronsaye**

ASSOCIATES

1. **Chimdindu Onyedim-Etuwewe**, ACIArb, (UK)
2. **Agbo Mark Chidi**, ACIArb, (UK)
3. **Anyanwu Elizabeth Nkechi**
4. **Dimas Dimson Diffiwuka**
5. **Okougha Christopher Osejie**, ACIArb, (UK)
6. **Ikpala Amazing**
7. **Jalike Ibrahim Babangida**
8. **Adegbemisoye A. Olasubomi**

JUNIOR ASSOCIATES

1. **Osuji Modebe Williams**
2. **Nelson Nnamdi Uzuegbu**
3. **Helen Ekwutosi Ifionu**
4. **Adaobi Jennifer Ofoneta**
5. **Musa Adamu Kumo**
6. **Christian Sesugh Hon**
7. **Akonor Kele Ilom**
8. **Blessing Lucky**

NIGERIAN LAW SCHOOL EXTERNS

1. **Mrs Akingbade Abiodun Oluwayemisi**
2. **Miss Ekhaton Allison Abieyuwa**
3. **Mr Idorentin Gabriel Umanah**
4. **Miss Zakari Ufeoenyojo**
5. **Mrs Umeh Onyinye Dominica**
6. **Miss Didam Sylvia Charin**
7. **Mr Adebayo Abimbola Thomas**
8. **Mr Adeniyen Oladimeji Oluwasegun**
9. **Miss Mohammed Hauwa Umami**
10. **Mrs Mohammed Ahmed Farida**
11. **Miss Mohammed Aisha Ali**
12. **Mr Michael Joel Osi**
13. **Miss Mbetuin Mbouaga Murielle**
14. **Mr Obono Mbasekei Martins**
15. **Mr Faniran Segun Joshua**
16. **Miss Omorogbe Imuetinyan Jessica**

JURIS CONSULT

1. **Hon. Justice Alfa Modibbo Belgore**, CJN (RTD), GCON
(FORMER CHIEF JUSTICE OF NIGERIA)
2. **Hon. Justice George A. Oguntade**, J.S.C (RTD), CON.



JANADA INTERNATIONAL CENTRE FOR ARBITRATION & MEDIATION (JICAM)

Janada International Centre for Arbitration and Mediation (JICAM) was established in 2015. It is a dispute resolution centre in Abuja designed to promote a suitable forum for the resolution of domestic and international disputes. It is fully equipped with state-of-the-art facilities. The rules and guidelines for JICAM accommodate both ad hoc and institutional arbitration.

VISION

Creating an avenue for independent, confidential and efficient means of resolving disputes using Alternative Disputes Resolution (ADR).

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Instant Music)
2. Video Conferencing
3. Transcription
4. Case Management
5. Secretarial/Administrative Services
6. Fund Managers

OUR LOCATION

Plot 1805, Damaturu Crescent By Kabo Way,
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MISSION STATEMENT

To provide a neutral venue for the resolution of both Domestic and International disputes; and encourage the settlement of disputes from Corporate, Domestic, International Trade, Investment and other Transactions.

FACILITIES

1. Hearing Rooms
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3. Arbitrators' Retiring Room
4. Claimants'/Respondents' Meeting Rooms
5. Waiting Room/Lounge
6. Food Court (The Dome)
7. Library/Resource Room
8. Individual HP pro display desktop for
Tribunal Secretary/Registrar
9. Wireless tabletop microphones
10. Projector screen
11. Transcriber
12. Shelving Units
13. Wi-Fi
14. 18-Seater bus
15. 24-Hour CCTV
16. Spacious car park with security

For enquiries and/or Reservation
Contact:

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We Care, God Heals





Who are we?

The Vox Populi Foundation for Leadership was founded in the year 2010 and was incorporated in the year 2012 by its founder Chief J-K Gadzama OFR, MFR, SAN, FNIALS, FCI Arb. (UK) (of Lincolns Inn, Barrister/Life Bencher/CEDR Accredited Mediator). The Foundation is a Non-Profit making institution formed to deepen the understanding of democracy by carrying out structured programmes that promote positive leadership qualities and ideals in the society. This is because we believe that a society can only evolve when the people have the opportunity to contribute to the process of governance and have a voice in the creation of policies and laws that affect them as a people.

How do we do this?

We sincerely believe the best way to achieve this goal is to pursue initiatives that look at proffering solutions to the issues that interfere with governance. We look at utilizing the immense manpower of youths and able bodied people who are hungry to bring about a change in their society through direct engagement with society in a volunteer signup process, which is one of the mechanisms we intend to employ to secure citizens participation. This process of inclusion we believe will foster and build a common front that will enable people to improve on their understanding of what leadership connotes in their everyday lives and reinforce their commitment towards creating a better society.

Governance

Created with gifts by its founder Chief J-K Gadzama, the foundation is an independent, non-profit, non-governmental organization, with its own Board. The trustees of the foundation set policies and delegate authority to the Director General and senior staff for the foundation's operations. Zonal volunteer Heads in the 6 geo-political zones explore opportunities to pursue the foundation's goals and formulate strategies for action.

Location

The Foundation is headquartered in Abuja. It conducts its activities through an increasing pool of volunteers from across the country.



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Our Vision

to promote, protect and safeguard the tenets and ideals of democracy leadership & good governance in our society.

What is Our Goal?!

to encourage citizens to participate in governance & support a platform that will inspire proactive leadership that will drive the free flow of democratic ideals and social justice.

Sign-up to Join and receive our e-mail Newsletter and Special Notifications
Your information will be kept confidential and used solely for our communications

Required Information

First Name: _____

Last Name: _____

Email Address: _____@

Address: _____

City: _____ State: _____

Phone: _____

Upon completing the information sheet, you can detach and send to our address above or you can email us on

info@voxpopulifoundation.org

for further enquiries, call us on

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articles and news from the firm are accessible online on the office website



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