

J-K GADZAMA LLP

NEWSLETTER VOL. 32, NUMBER 26 (JULY - SEPTEMBER 2021) ISSN NO: 1598.8289.



His Excellency, Dr. Goodluck Ebele Jonathan, GCFR, GCON, former President of Nigeria (4th left); Olumide Akpata (3rd left); HRH King A. J. Turner, the Obanema of Opume Kingdom (2nd left); Tobi Adebawale (left); Joe-Kyari Gadzama, SAN (4th right); Mr. Olusade Adesola (3rd right); Hon. Onofiok Luke (2nd right) and HRH Alfred Diете-Spiff, the Amayanabo of Twon-Brass (left) during the J-K Gadzama LLP 13th Public Lecture in Abuja on Tuesday, June 22, 2021.

 Editorial

We are pleased to present to you the 3rd quarter edition of our newsletter for the year 2021.

At the centerpiece of this edition is the keynote lecture delivered by Dr. Goodluck Ebele Jonathan, GCFR, GCON, a former President of the Federal Republic of Nigeria at the 13th edition of the J-K Gadzama LLP Public Lecture series on the theme 'Redefining Democracy: Yearnings of the Minority in a Democratic Setting'. The yearnings for minority recognition and participation in governance have never been more pronounced in Nigeria, Africa and indeed the World. The newsletter also features sights and scenes from the Public Lecture which had a restricted number of physical attendance, other events and hilarious jokes.

We hope you find this edition informative and entertaining.

This and previous editions of our newsletter are available on our website at www.j-kgadzamallp.com.

Happy reading.

Table of Contents

Page

REDEFINING DEMOCRACY: YEARNINGS OF THE MINORITY IN A DEMOCRATIC SETTING BY DR. GOODLUCK EBELE JONATHAN, GCFR, GCON	03
SIGHTS AND SCENES	12
WORD SUDOKU	14
PHOTO SPEAK	15
MENTORSHIP AND ETHICS: WHAT LAWYERS NEED TO KNOW BY JOE-KYARI GADZAMA, SAN AT THE NBA KADUNA LAW WEEK 2021	16
PHOTO SPEAK	24
NEWS FROM THE FIRM	25
PHOTO SPEAK	26
UPCOMING EVENTS	28

Redefining Democracy: Yearnings of the Minority in a Democratic Setting

Keynote Address by



His Excellency,
Dr. Goodluck Ebele Jonathan, GCFR, GCON
Former President, Federal Republic of Nigeria (2010 - 2015)

At the J-K Gadzama LLP 13th Annual Public Lecture
22nd June, 2021

1: INTRODUCTION

I am pleased to be part of this august event. The J-K Gadzama Lecture Series, now in its thirteen year, has earned a reputation as a meaningful platform for the discussion of noteworthy ideas for nation building.

I thank Chief Joe-Kyari Gadzama, SAN, the founding Principal Partner of J-K Gadzama LLP, for inviting me to serve as the keynote speaker at this year's event.

I commend him for the innovation he has brought to the legal profession in Nigeria, and his commitment to Continuous Legal Education, especially with the regularity and expediency of the lectures and seminars he has consistently organised.

The J-K Gadzama Lecture Series, which has over the years acquired a reputation as eminent as that of the law firm itself, is an evidence of your hard work.

Let me use this opportunity to also acknowledge the chairman of this occasion, Alhaji Mohammed Musa Bello, the Honourable Minister of the Federal Capital Territory (FCT) who has just given his opening remarks. As an aside, I must commend him for continuing with some of the programmes promoted by my administration. Continuity in governance creates opportunity for the population and promotes consistency in policies, thereby boosting investor confidence.

I also commend Barrister Olumide Akpata, President of the Nigeria Bar Association and congratulate him for his election to that office. Let me also appreciate Hon. Onofiok Luke, Chairman, House Committee on Judiciary, Mrs. Kadaria Ahmed, CEO Koidi Radio Limited and Tobi Adebowale, Chairman, Young Lawyers Forum, who are the distinguished discussants. They are all very erudite, competent and highly respected Nigerians, who I am very convinced will do justice to the topic.

My job is simply to highlight the issues which, I hope, will open the door for your information discourse. I look forward to how they will bring their rich experiences, in diverse disciplines, to bear on their interventions, as they interrogate the

topic, in a manner I believe will enrich national conversation and understanding of our diversity.

When I first received the invitation to this event, I was a bit reluctant. Publicly volunteering my opinion on the minority question opens me up to some controversy because the topic is somewhat sensitive and tendentious in our kind of polity.

My concerns were that my submissions could be misconstrued or intentionally misinterpreted. An honest conversation, such as this, could be stood on its head and different narratives conjured up, especially considering my minority background, and as someone who had the privilege of serving as the President of the nation.

However, I elected to honour your invitation for two reasons. First, is to show my personal appreciation of Chief Gadzama, and his contributions to national development.

Secondly, I also have immense respect for the legal profession. I do this because of my belief that the issue of law and order, which the profession promotes, is critical to the building of any functional society.

A society that does not respect rule of law risks dissolving into anarchy, where in the words of Thomas Hobbes, life becomes nasty, brutish and short; and making real progress becomes difficult.

As I address the theme; 'Redefining democracy; the Place of the Minority or Yearnings of the Minority in a Democratic Setting', I will be leveraging it to also explore the link between, democracy, leadership and national transformation.

2: WORLD VIEW ON MINORITIES

Over the ages, there have been robust debates on the place of the minority in a democratic setting which, in most cases, submits itself to the will of the majority. There have also been interesting perspectives on how to make democracies work better for minorities, even under the government of the majority.

The first two paragraphs of Article '1' of the United Nations Declaration on Minorities affirm that:

- States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.
- States shall adopt appropriate legislative and other measures to achieve those ends.

It is for this reason that many international statutes have placed emphasis on minority rights, as a means of maintaining global balance and stability.

Along this line, many nations had tinkered with various ways of fostering inclusiveness by adopting different measures, ranging from the affirmative action in the United States, to the Willink Minority Commission of Nigeria, which provided for constitutional safeguards for the protection of minority groups in Nigeria.

We may also consider the special laws for the protection of the interests of even tiny minority religious groups, as is the case in Pakistan, where seats were provided in the parliament by the 1998 constitution for the religious minorities including Hindus, Christians and other non-Muslims who make up less than 4 percent of the population.

3: PREVIOUS EFFORTS TO ADDRESS THE MINORITY QUESTION IN NIGERIA

In Nigeria the complications associated with the marginalization of minority tribes were identified many years ago, and efforts have continued to be made, across generations, to address it.

In 1957, the then British colonial Government appointed a Minorities Commission to look into the minority question in Nigeria and recommend measures of allaying the fears of people of the minority ethnic groups.

The Willink Commission, named after its Chairman, Sir Henry Willink, recommended what it called a "Bill of Rights" patterned after the European Convention on Human Rights, as a means of guaranteeing minority rights and national integration.

The continuing challenge with managing the expectations of the minority vis-à-vis national integration brought about the establishment of the Federal Character Commission (FCC) in 1976.

The FCC, over many decades, may have been doing its best to give everyone fair representation and a sense of belonging. But there are still many who feel that this agency of government could do much more to address the challenge of accommodating minorities.

This is because its mandate, which it pursues with varying degrees of success, is only on the administrative structure of the nation, with emphasis on civil service employment.

However, many are of the opinion that it does not go far enough, since it currently does not address inequalities in political appointments into sensitive areas, such as the military and security services and key public sector appointments.

Like many other nations in Africa that are multi-ethnic, Nigeria now faces the challenge of managing diversity and minority interests. Even in the parliament, we have been struggling with the task of accommodating women as well as youths and people with disabilities.

4: DEMOCRACY AND POLITICS IN A PLURAL SOCIETY

Many of us are familiar with the concept of democracy as the form of Government that emphasizes people's participation, control and ownership of the process of governance, through elected representatives.

It has been suggested that the concept of democracy can be interrogated from two main viewpoints, as an ideology and as politics.

As an ideology, democracy is viewed as the philosophy of governance which sets a high premium on basic freedom or fundamental human rights of the citizen, the rule of law, the right of property, freedom of speech and free flow of information, as well as the freedom of choice among alternative political positions.

Democracy as politics, on the other hand, is concerned with the institutions and processes of

governance. It is argued that the institutions and the processes of governance they elicit tend to foster consensus whilst simultaneously promoting and sustaining respect for the ideology of democracy.

There is also a third and more Machiavellian school of thought that just sees democracy as a game of numbers, where the players engage in a zero sum game, and high level of brinkmanship. To a large or lesser extent, this mindset is present in almost all democratic loci.

The challenge of democracy in most pluralistic societies has always been with the task of balancing the will of the majority in the sharing of political patronages, policies and programmes, with the ethical principles of what is right and just by all concerned.

In the words of Cornel West, an American philosopher, who has done extensive work on the issues of race, gender, and class, “the aim of a constitutional democracy is to safeguard the rights of the minority and avoid the tyranny of the majority.”

Nations that have done well in this regard have consciously developed systems to give everyone the feeling of having a seat at the table ensure the protection and accommodation of the interest of everyone, both the majority and the minority.

One of such nations is Switzerland, a country which last fought a war in 1847, and has become an international standard for peace within borders precisely because of its efforts to protect minority communities and their interests.

And in many advanced democracies, such as the United States and the United Kingdom, safeguards and special measures are provided in their laws, to ensure that minorities are availed of the same rights as the rest of the population.

In such progressive societies, meaningful mechanisms are provided in public institutions to ensure equitable representation of minorities and the functionality of inherent diversity.

Such guarantees pervade all aspects of national life to ensure effective participation of the minority in the socio-cultural, political and economic

activities in the land.

Where that is not done, there is always a feeling of marginalization and oppression in the camp of the minority, whether real or imagined. If such feelings are not promptly and properly addressed, it might result in the type of resistance that pushes people to the extreme, of wanting to pull out from that kind of union.

Africa, as a continent of nations harbouring the most obvious disparate mix of tribes, is still at its nascent stage of democracy. We are yet to fully evolve to the stage where the rights of the minorities are guaranteed and their expectations, well managed.

One way to reduce political conflicts and mitigate desperate contestation for power, which is prevalent in Africa, is to restructure our democracy to accommodate the interest of the minority.

In some places where democracy failed, it was probably because a section of the population which felt insecure and vulnerable had embarked on the unfortunate mission of taking up arms against the state.

We have seen that happen in some African countries. We are witnessing a similar scenario playing out in the Tigray region of Ethiopia. I call on the central government, and the regional government of Ethiopia to come to some understanding and end the hostilities there. I also call on African leaders to show considerable interest in the peace process in Ethiopia.

For any country to make sustainable progress, it has to devise ways of integrating all its ethnic, religious and demographic groups, and harvesting all its resources from across the length and breadth of the nation. A nation progresses, and its development gets duly consolidated, when both majority and minority potentials are aggregated for enduring strength.

Any society that blocks off a percentage of its population, because of the politics of majority rule, will not go as far as it could have, because a significant percentage of human resources and endowments that reside within the minorities will not be adequately deployed to catalyse national growth.

That is why nations that offer equal opportunity to both men and women tend to do better in all indices of human development than those that permit discriminatory policies. A good example is Finland where gender does not count in the scheme of things and in the affairs of the nation.

5: HOPE IN THE HORIZON

Africa has seen some progress in the protection of minorities and their participation in mainstream politics.

The great Kwame Nkrumah, Ghana's great nationalist, pioneer President, and foremost pan Africanist, came from the Nzema minority tribe that make up less than one percent of the population of Ghana. Ditto for Mwalimu Julius Nyerere, who is seen today as the father of the Tanzanian nation because of his immense contributions in the drive for independence, building and uniting his country. Both Nkrumah and Nyerere are still very well revered by their countrymen today, despite their minority backgrounds.

President Cyril Ramaphosa of South Africa is from the Venda ethnic group, which number slightly less than one million people and constitute a minority of the South African population of about 58 million, as at the time he took office in 2018. Yet, Ramaphosa's minority ethnic background was not much of a hindrance on his way to becoming the elected president of his country.

The home countries of these political figure stand today as key African examples of societies that play politics of value and accommodation, not of tribe or religion.

Every country must rework its leadership recruitment process to the extent that it would produce its best as leaders at all times, irrespective of where they come from. Electing people based on tribal and religious sentiments has been the bane of most African societies.

I first became President through the interplay of fortuitous circumstances in 2010, after the death of my boss, President Umar Yar'Adua, although I later contested for the same office and won in 2011.

I must say that as a citizen from a minority ethnic nationality, my emergence as President of the nation was a pleasing development that not only renewed the confidence and hope of people from the minority ethnic nationalities, but also strengthened the bond of unity in our nation.

Whenever the minority are able to clinch positions of authority in any political setting, it usually brings succor and some form of national healing. The task before us is how to etch such occasional desirable reality in the framework of our political system and make it sustainable.

6: MANAGEMENT OF DIVERSITY AND POLITICAL LEADERSHIP IN NIGERIA

Another major challenge we have as a nation is our inability to effectively manage our diversity; religion, region, and ethnicity. If we look at the political trajectory of our nation, from the post-independence crises, the coups and counter coups through the different Republics, the swelling disenchantments could all be traced to our inability to manage our diversity and downplay our differences.

It is obvious that calls for fragmentation seem to be getting louder amongst some segments of our nation. This is because we have not been able to positively harness and harmonize our enviable size, rich diversity and the ingenuity of our people to a level that would give everyone a sense of belonging and project our greatness.

I always say that beyond platitudes and grandstanding from different quarters, we need to come together to address those problems that have been holding us down. And this has everything to do with our failure to properly manage our diversity and harness its latent potentials.

For a multi-ethnic nation to develop progressively, there must be a conscious effort to build a democratic culture of fairness, equity and justice that guarantees minority groups to the political space.

7: LEADERSHIP AND NATIONAL TRANSFORMATION

One question that is always on the lips of many

Nigerians in the discourse of national transformation is: why is Nigeria where it is today despite its many potentials?

“Nigeria is potentially great” has been a popular refrain for many years. However, our youth are beginning to question the validity of that saying, especially as we are still trapped in the cycle of 'less developed/developing countries' status after many decades.

In the late 50s and early 60s, the world expected so much from Nigeria because of our nation's potentials, which revolved around our size, natural resources and human capital.

By now, we should be running an advanced economy and a social environment and standard services that can support economy, just like other nations, like Singapore, Malaysia, and the United Arab Emirates, which once shared the same political and economic evolution with us. However, we are obviously lagging behind.

A preliminary study I asked some people to conduct for me when I was Vice-President, showed that it took an average of 40 years for some Asian countries to migrate from third to first world or near first world status.

Let us look at Singapore that separated from Malaysia in 1965 and in less than 40 years, migrated from a third world economy to rank among first world economies with a strong social system that supports that economy. Singapore and Malaysia are very good examples of national integration, social inclusion of minorities and broad-based economic participation.

This clearly indicates that the journey to national transformation should not take a lifetime. That Nigeria still remains “potentially great” after over 60 years of independence, shows that there are fundamental lessons in the political evolution of our nation that we have not learnt.

There appears to be two popular schools of thoughts on why Nigeria has not made progress the way our contemporaries in the 50s and early 60s have advanced since their independence.

First, there is the school that believes that our colonial experience is the major stumbling block

to our upward migration as a nation. This proposition may have some elements of truth, but then Nigeria is not the only country that was colonized. Singapore was also colonized by the same British who colonized us. Most of our contemporaries that have grown to become world beaters also went through some forms of colonialism.

The second group believes that the size of the country, its complexity and diversity is the major stumbling block to our upward migration.

In my opinion, this group has likened our situation to what I call, “the dilemma of the whale”. The might of the whale in the ocean is in its size, not its teeth.

Incidentally, when the whale gets grounded on a sand beach, its very weight suffocates it to death. Therefore, the size and weight of the whale which ought to be an advantage becomes a stumbling block to its own survival.

So, is Nigeria suffering from the dilemma of the whale? Is it that our size, complexity and diversity, that is supposed to be an advantage in overcoming our developmental challenges, is now drowning us as a people?

I share the sentiment of many political commentators that at the crux of our challenge to national transformation lies the problem of our political and governance structure amid our inability to harness our diversity towards shared prosperity.

I believe that from pre-independence, the political evolution of leadership in Nigeria was too concentrated along tribal and religious lines and that is still haunting us today.

The amalgamation of Nigeria; one of the most diverse countries in tongue, tribe and religion in the world; saw the demand of every region canvassing to be active in the limited political space. Our inability to manage these diversities have continued to generate regional and tribal agitations and create more social and political tensions in our country. This is one of the reasons why I convened the 2014 National Conference on March 17, 2014.

8: A CALL FOR A NIGERIAN MODEL OF LEADERSHIP

With a considerable size, rich diversity, competitive ingenuity and the indefatigable Nigerian spirit, the nation remains trapped in the dilemma of an imperceptible giant, that still needs to work harder and smarter to realize its full potentials and greatness.

What do we need to do to get to that political height that should boost the confidence of a greater number of our citizens and fire up their sense of patriotism and commitment to national renaissance? What are the models in terms of political leadership that could guide us as we seek better ways of managing our complex society?

The issue of diversity and its challenges is not unique to the Nigerian environment or Africa alone. So many nations around the world are plural in nature in terms of tribe, tongue and faith. What some countries may be doing better than us is that they have developed systems and institutions that ensure that the political recruitment process offers a space to all, including the minority to make them relevant in the scheme of things.

The experience, as I had earlier pointed out, has always been that where the minority feel that they are not relevant in any defined geographical boundary, there is always the tendency for them to seek to fulfil their destiny under a different atmosphere. This is what gives rise to unending agitations and resistance movements across the world.

8.i: ELECTION OF PARLIAMENTERIANS

The political system we currently operate for electing members of parliament, which is the first-past-the-post, favours a winner-takes-all approach that leaves little or nothing for the loser after elections.

In my view, we need to develop a system of government that will be inclusive enough to allow all interest groups have a stake in how they are governed.

A system that has served many other nations well emphasizes proportional representation where

political parties are offered positions in relation to the percentage of votes they win in an election.

This system enhances the possibility of accommodating more interest groups in governance while it also reduces the unfortunate incidence of tasteless decamping and cross-carpeting which is not projecting democracy in a positive light. I believe that this will also help to better protect the interest of the minorities, be it ethnic, religious, gender or persons with disabilities.

8.ii: ELECTION OF THE HEAD OF THE EXECUTIVE ARM

At different times, leaders had proposed different models including north-south rotation and rotation along the geopolitical zones.

Some had also proposed a hybrid of vertical and horizontal rotation. The idea is for every zone of the country to have the privilege of producing a President.

One of the greatest problems we have in the present structure is a political leadership system that creates a quasi-sole administratorship at the three levels viz; the local government council, the state government and the Federal Government. A situation where one person is vested with so much powers without clear constitutional provision to accommodate the interest of the minorities is not ideal for a complex nation.

A society that runs this kind of political leadership model, without inbuilt provisions to accommodate diverse interests will surely create room for all social blocs to fiercely engage in the high contestation for the position that wields such an enormous power.

To ensure that one person does not exercise maximum authority, countries have evolved different models of governance.

One of such that is well known is the parliamentary system where the powers of the chief executive officer of the country is vested on one individual and that of the Commander-in-Chief reside with another individual. While the Prime Minister is the CEO of the country, the C-in-C is either a king, queen or elected President. In

Nigeria we have had both the parliamentary and presidential systems. At independence in 1960 we first had parliamentary system but for a short duration because of military intervention.

However, the assumption is that a country that started with the parliamentary system and later migrated to the presidential system, might not have been comfortable with the parliamentary system.

Sadly, it appears we are also not comfortable with the presidential system we are operating.

My honest view is that any system of Government that does not accommodate clear mechanisms to manage ethnic, linguistic and religious diversity will breed anarchy and instability.

I recall when I was the Vice President, I hosted a minister from Switzerland, a European nation home to many ethnic nationalities, who paid me a courtesy call. In the course of our discussion about managing complexity and other issues, he told me something about Swiss leadership which I considered quite interesting.

He stated that their founding fathers believed that giving so much powers to one individual would be detrimental to their collective growth. Hence, the evolution of the Swiss collegiate governance structure where seven people representing various cantons run the affairs of the country, with one of them chairing the team in an annual rotation, as the President of the Swiss Confederation.

This unique model governance ensures that at any particular time, one person alone does not take decisions that affect the entire country. All decisions involving such key issues as major appointments and infrastructural development are taken collectively by all seven of them. In this case, presidential power is reduced and shared among these individuals.

This model has helped to make Switzerland one of the most stable countries in the world because the system guarantees accommodation of all groups in major issues critical to the country.

Given our peculiar national experience, it will be incongruous to suggest that we simply copy the

Swiss model or any other system of government, just because it works perfectly in another environment. This is because every nation's experience is unique and different. But there are lessons therein.

Our experience from independence, through the military era and different political administrations shows that we have not been able to identify a suitable system that will enable us manage our diversity and better serve our people.

My charge today to scholars, seasoned constitutional lawyers, political scientists and relevant professional associations is to seek to develop a model of government that will be appropriate for our experience to enable us better manage our diversity. They have the advantage of different political models across the world which they should study and design a unique system that will be suitable to our peculiar experience as a nation.

9: CHALLENGES OF ETHNIC MINORITIES IN NIGERIA

The term 'Democracy' has its roots in the Greek word *demokratia*, which was coined from *demos* ("people") and *kratos* ("rule"). This means that in the eyes of the Greeks, democracy must involve all citizens, and not only the majority. Whenever the minority is excluded in the political space, they see it as the tyranny of the majority, which to them is not democracy.

It shows clearly that we must come up with a template that will integrate the concerns of the minority in a sustainable manner, if we must practice the type of democracy envisioned by the Greeks.

As popular as the Swiss model, in view of successfully managing a diverse nation, there are still no guarantees that it could succeed in our kind of environment. Such a system in the context of our six geopolitical zones may require extra work to ensure that some minorities within the zones are not left holding the short end of the stick. For instance, it would require so much effort for a Muslim minority to emerge as a regional president representing the South East or South South regions, in a collegiate arrangement.

It is the same it would be difficult for a Christian to emerge to represent the North East or North West geopolitical zones in such a shared presidency.

When we say that we must come up with a template that will integrate the concerns of the minority, we should also bear in mind that the question of minority marginalization is beyond national leaderships.

Sometimes when we are discussing the issue of minorities at the national level, we lose sight of what is happening in our states in the election of governors, and council chairmen. We also do not beam our search light on the processes of producing our national and state assembly members as well as the councilors at the ward level.

We tend to forget that at the sub-national- levels, our current political mindset tend to block the minorities from actively participating in the political space. For instance, there are some states in this country where some minorities can never be favoured in the political calculation for the emergence of the governor or even council chairmen.

CONCLUSION

To conclude this discourse, it is necessary to reiterate that the democratic system of government remains the best system of government for Nigeria. It is certainly not a perfect system but it can be adjusted so that it contains enough safeguards needed to protect the interest of both majority and minority groups in the country.

The majority rule prism through which we view democracy must be guided by the Constitution to ensure the protection of minority rights.

As we embark on a constitutional review process, we should be able to dispassionately consider a befitting model of government, that will meet our aspirations as a people.

In this regard, the report of the 2014 National Conference could be of significant interest to those involved in the process because of the quality and pertinence of the recommendations.

Beyond this, there are different existing models that our nation can study including the Swiss model which has proven to be an effective model for managing diversities.

The winner-takes-all or the zero-sum game approach breeds acrimony, bitterness and does not encourage national growth and cohesion.

I suggest that we look for a model that is apposite and unique to us, in view of the peculiar characteristics of our nation to help us better manage our diversity.

Hopefully, in the near future, our country would have grown democratically to the point where elections would be based on the programmes and policies of parties and character of the candidates, rather than ethnicity or religious preferences.

Looking into the future, I can see that our leaders can do a lot to eliminate ethnic sentiments in our society, enthrone merit and build a system that gives citizens equal opportunities to excel.

There has to be a united, strong, and cohesive Nigerian nation of patriotic citizens for any structure or system to yield the promise of our shared prosperity.

I thank you all for listening to me and commend J-K Gadzama for this platform provided for Nigerians to discuss issues that would strengthen our nationhood.

God bless Nigeria.

SIGHTS AND SCENES

From the J-K Gadzama LLP 13th Public Lecture held on Tuesday, 22nd June, 2021



Joe-Kyari Gadzama, SAN welcoming His Excellency Dr. Goodluck E. Jonathan, GCFR, GCON



His Excellency, Dr. Goodluck E. Jonathan, GCFR, GCON and Joe-Kyari Gadzama, SAN touring the office



L-R: Dr. Goodluck Ebele Jonathan, GCFR, GCON; Mr. Olusade Adesola and Hon. Onofiok Luke



L-R: Tobi Adebowale; Olumide Akpata; His Excellency, Dr. Goodluck Ebele Jonathan, GCFR, GCON; Mr Olusade Adesola and Hon. Onofiok Luke during the event



Joe-Kyari Gadzama, SAN giving the host remarks



The Honourable Minister of the FCT, Mohammed Musa Bello giving the chairman's opening remarks



His Excellency, Dr. Goodluck E. Jonathan, GCFR, GCON delivering his lecture



Olumide Akpata delivering his lecture



Hon. Onofiok Luke delivering his lecture



Tobi Adebowale delivering his lecture

SIGHTS AND SCENES

From the J-K Gadzama LLP 13th Public Lecture held on Tuesday, 22nd June, 2021



Former Minister for Information Labaran Maku making a comment during the session



Dr. Jibril Tafawa Balewa, a former presidential aspirant making a comment during the session



Cross section of some of the guests



L-R: Dr. Inya Ode; Tobi Adebowale; HRH King A. J. Turner; Olumide Akpata; His Excellency, Dr. Goodluck Ebele Jonathan, GCFR, GCON; Joe-Kyari Gadzama, SAN; Mr Olusade Adesola; Hon. Onofiok Luke; HRH Alfred Diete-Spiff and Lamar Joe-Kyari Gadzama during the event



His Excellency, Dr. Goodluck E. Jonathan, GCFR, GCON receiving a plaque from Joe-Kyari Gadzama, SAN



Mr. Olusade Adesola receiving a plaque on behalf of the FCT Minister from Joe-Kyari Gadzama, SAN



Olumide Akpata receiving a plaque from Joe-Kyari Gadzama, SAN



Hon. Onofiok Luke receiving a plaque from Joe-Kyari Gadzama, SAN



Tobi Adebowale receiving a plaque from Joe-Kyari Gadzama, SAN



Madu Joe-Kyari Gadzama giving the vote of thanks

WORD SUDOKU

J	U	D
G	E	S
H	I	P

I	J	U	P	G	H	D	S	E
H	G	S	I	D	E	J	P	U
D	E	P	U	S	J	G	H	I
G	I	J	H	U	D	P	E	S
P	D	E	S	J	I	U	G	H
U	S	H	E	P	G	I	D	J
J	U	D	G	E	S	H	I	P
S	P	I	D	H	U	E	J	G
E	H	G	J	I	P	S	U	D

The complete board - Answer to last edition

PHOTO SPEAK



Jerry Ombugadu Musa addressing the plenary at the House of Representatives Zonal Public Hearing on Review of the 1999 Constitution held from June 1 - June 2, 2021 at Jos, Plateau State



Jerry Ombugadu Musa presenting J-K Gadzama LLP's memorandum on the Review of the 1999 Constitution to the Deputy Speaker and Chairman House of Representatives in Jos, Plateau State



L-R: Mark Chidi Agbo, Sarah Atumga, Lamar Joe-Kyari Gadzama and Christopher Okougha at the 2021 NBA-SPIDEL Annual Conference in Ibadan, Oyo State



L-R: Mark Chidi Agbo, Sarah Atumga, Darlington Onyekwere, Lamar Joe-Kyari Gadzama and Christopher Okougha at the 2021 NBA-SPIDEL Annual Conference in Ibadan, Oyo State



Madu Joe-Kyari Gadzama with Hon. Justice Salisu Garba at a reception held in honour of the Chief Judge on the occasion of his swearing in as the substantive Chief Judge of the High Court of the Federal Capital Territory



Joe-Kyari Gadzama, SAN (middle); Mrs. Geraldine Mbah (2nd right); Madu Joe-Kyari Gadzama (left); Rashidat Obamajure (2nd left) and Jerry O. Musa (2nd row left) with students of Funtaj International School during their Career Training Exercise at the firm



Madu Joe-Kyari Gadzama speaking at the Law Students' Society Baze University career day on Tuesday, June 22, 2021



Madu Joe-Kyari Gadzama in a group photograph with Baze University Law Students during their career day

MENTORSHIP AND ETHICS: WHAT LAWYERS NEED TO KNOW

Delivered by



Joe-Kyari Gadzama, *OFR, MFR, SAN*,
Founding Principal Partner, J-K Gadzama LLP

At

The NBA Kaduna Law Week 2021
Venue: NUT ENDWELL Multipurpose Hall, Moghadishu, Kaduna
Date: Monday, June 28, 2021

2.0 INTRODUCTION

It is indeed a pleasure to deliver this paper which borders on mentorship and ethics of the legal profession at this auspicious event. It is and has always been my delight to see lawyers who are passionate and deliberate in the pursuit of growth in their legal career. Mentorship for lawyers, especially the young ones is something I hold so dear and I always strive to ensure that I play my part as an elder in the profession - through annual mentoring programs sponsored by my firm, J-K Gadzama LLP amongst others – and in satisfaction of my duties as the Chairman, Mentorship Committee of the Body of Benchers.

I acknowledge and commend the effort of the executives of the branch for their innovation. The legal profession, by its nature is one which requires mentorship and religious observance of its code of conduct. It is rather unfortunate that the legal profession is at a point in time where the standards or ethics of the profession are being ignored by lawyers who, as ministers in the temple of justice, ought to uphold its standards to the highest esteem. A lawyer without ethics is an uncouth lawyer, worthless and unfit to put on the toga of the profession.

3.0 THE CONCEPT OF MENTORSHIP

Mentorship or mentoring is simply a relationship that exists between a more experienced individual – mentor on the one part - and one with a lesser experience – mentee on the other part - wherein the former guides the latter reach his goals or aspirations. The relevance of mentorship in the legal profession cannot be overemphasized. Therefore, I have in this paper explained the purpose of mentorship, characteristics of a good mentor, expectations from a mentee and challenges of mentorship.

3.1 Purposes of Mentorship

The aim of mentorship is for the mentee to connect with a mentor in order to gain the same or better knowledge or experience. The mentor offers advice and guidance and serves as a map for the mentor to follow to attain his desired goal. A mentor helps a mentee to excel in his chosen career and become the best version of himself by assisting the mentee in achieve set goals, build confidence and think beyond limitations. Some advantages of having a mentor are as follows:

- Mentors provide information and knowledge.
- Mentors can see where the mentee needs to improve where the mentee often cannot.
- Mentors find ways to stimulate a mentee's personal and professional growth.
- Mentors serve as a source of encouragement to the mentee.
- Mentors are disciplinarians that create necessary boundaries that a mentee may not be

able to set for himself.

- Mentors are sounding boards so the mentee can bounce ideas off them for an unfiltered opinion.
- Mentors are trusted advisers.
- Mentors can be connectors.
- Mentors have the experiences that a mentee can learn from to prevent making the same mistakes beginners make.
- Mentors are free, which makes them priceless in more ways than one.

3.2 Characteristics of a Good Mentor

A good mentor:

- Observes the aspirations, growth and development of the mentee; helps the mentee see his destination and offers encouragement and cheerleading.
- Does not serve as a coach.
- Does not act formal.
- Does not impose his ideas on the mentee.
- Does not serve as a counselor or therapist.
- Must be a good listener.
- Must be flexible.
- Must understand and value diversity of perspectives.
- Must be nonjudgmental.
- Must be able to give constructive feedback.
- Must be honest and candid.
- Must be able to network and find resources.
- Must be self-controlled.

3.3 What is expected from a good Mentee

- A good mentee be open to feedbacks – whether positive or negative.
- A good mentee must cultivate the skill of good listening.
- A good mentee must not be opportunistic. He must not take advantage of the opportunity to gain favours of any kind.
- A good mentee must be intentional about his career goals.
- A good mentee must be dedicated and respectful.
- A good mentee must be open to advice. This does not mean that he has to take all the advice offered by the mentor.

3.4 Challenges of Mentorship

The challenges of mentorship include but are not limited to:

- Difficulties in accessing the mentee's background especially as it relates to knowledge and skills.
- The mentor may find it difficult to identify the mentee's motivation.
- There may be difficulty in dealing with a

mentee's inexperience.

- Time may be a constraint to the relationship.
- Adaptation to diverse perspectives may pose a serious challenge.

4.0 ETHICS IN THE LEGAL PROFESSION

The legal profession is regarded as one of the most regulated disciplines which require a high level of decorum from its practitioners. Legal ethics describes a set of codes and rules that regulate the conduct of lawyers. These codes ensure that lawyers follow the law, pursue justice, and zealously advocate their client's best interests. Areas covered by ethical standards include Independence, honesty and integrity. The Black's Law Dictionary defines legal ethics 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"*.

The legal profession, like any other profession has its do's and don'ts which are codified into the RPC. The RPC is made for the maintenance of the highest standard of professional conduct, etiquette and discipline. A legal practitioner should, in satisfaction of the standard of discipline required, strive to the highest honour in a deserved reputation for fidelity to private trust and public duty as an honest man and a patriotic and loyal citizen. Any conduct inconsistent with that required by the RPC will amount to professional misconduct and will be punished in accordance with the stipulations of the LPA.²

The LPA provides as follows:

"(1) Where

(a) a person whose name is on the roll is judged by the Disciplinary Committee to be guilty of infamous conduct in any professional respect; or

(b) a person whose name is on the roll is convicted, by any court in Nigeria having power to award imprisonment, of an offence (whether or not an offence punishable with imprisonment) which in the opinion of the Disciplinary Committee is incompatible with the status of a legal practitioner; or

(c) the Disciplinary Committee is satisfied that the name of any person has been fraudulently enrolled, the Disciplinary Committee, may, if it thinks fit, give a direction

(i) ordering the Registrar to strike that person's name off the roll; 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; 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."*³

On what amounts to professional misconduct in the legal profession, the Legal Practitioners Disciplinary Committee (LPDC) in the case of **NBA v. Iteogu**⁴ held as follows:

"... What amounts to professional misconduct is not defined in the Rules of Professional Conduct in the Legal Profession. Suffice it to say that any conduct of any Legal Practitioner in relation to his practice of the profession in relation to his client that runs contrary to rules or any breach of the rules may amount to misconduct...In the opinion of this Committee, any conduct that constitutes an infraction of acceptable standard of behavior or ethics of the Legal Profession or any conduct which connotes conduct so despicable and morally reprehensible as to bring the Legal Profession to disrepute, if condoned or unpunished, will amount to misconduct. Any conduct, which is disgraceful, involving serious moral turpitude or such conduct that would shock every right thinking member of the society will qualify as misconduct..."

No one can be a successful lawyer without a full grasp of, and religious compliance with ethics. Therefore, lawyers, as a necessary consequence, must therefore live by the ethics of the profession as contained in the RPC. This underscores the special importance of ethics in the legal profession. Lawyers should strive to uphold the standards of the profession as no one is too big to be punished for any wrongdoing.

The LPDC in the **Incorporated Trustees of the NBA v. Joe Abang, Esq.**⁵ found the Respondent, who is a former Attorney General of Cross River State, liable of the act of misconduct in professional respect as alleged against him in flagrant breach of Rules 1, 14(1) (2), 15(3), 18(2), 23(1)(2) and 55 of the Rules of Professional Conduct and punishable under section 12 of the Legal Practitioners Act, Cap. 207 LFN 1990 (as amended). Consequently, the LPDC directed the chief registrar of the Supreme Court to strike out his name from the Roll of Legal Practitioners in accordance with Rule 22(a) of the LPDC Rules 2020. The Respondent had been engaged as a lawyer by the Petitioner (Unity Bank PLC) to recover the indebtedness of Bilwadams Construction Company Nigeria Limited a customer of the bank that was indebted

to the defunct Bank of the North and Intercity Bank PLC (some of the legacy banks merged and formed Unity Bank PLC). Despite the Petitioner's instruction that the recovered sums should be paid in their accounts, the Respondent received recovered sums in his account, and the Respondent received the sum of N6,666,666.66, on the 29th October, 2010, but never remitted to the bank, the Respondent also received the sum of N66,666,666.71 in 2012, but never remitted to the bank as at August 2013. Upon intensified demand by the Petitioner, the Respondent on 23rd September, 2013 remitted N45,000,000.00 only to the Petitioner with the promise to pay the outstanding sum of N23,249,620.80. The Respondent without the Petitioner's express or implied instructions and despite the subsisting judgment with the Petitioner's customer to pay the sum of N110,000,000.00 only in full and final settlement of the outstanding indebtedness which as at July 2013 was in the sum of N392,202,376.82, and the Respondent failed to remit to the Petitioner the outstanding sum of N28,333,333.00.

In **Anthony Ojigbo v. NBA & Anor**⁶, the 1st Respondent received a petition dated 14th day of June 2009 from the firm of Emeka Madiebo & Co against the Appellant for fraudulently increasing the price of a property which the Petitioner (Banjo Onanubi) paid the vendor through the Appellant. The Appellant added additional sum of N10 Million to the price of the property on the pretext that same would be paid over to the buyer. The Petitioner alleged that the Appellant failed to do so. It was alleged that the Appellant fraudulently induced the Petitioner into paying N40 Million for a property instead of N30 Million that was demanded by the vendor.

The case of the Petitioner was that it was the Vendor who informed him that the excess sum of N10 Million had been returned to be paid to him through the Appellant being in excess of reserved price. When confronted, the Appellant admitted the wrongdoing and made an initial refund of N3 Million and issued a cheque for the repayment of outstanding N7 Million which he later countermanded (stopped).

The LPDC observed that where a Solicitor engrosses an agreement for both vendor and purchaser and both of them rely on his legal advice, he is Counsel or Solicitor to both parties irrespective of the fact that one of them introduced him to the other. The LPDC found that in the circumstances of the case the Appellant owed a fiduciary duty to both parties to the transaction and that he was in breach of same. The LPDC finally held that it was imprudent of the Appellant not to have entered a formal defence and to have sought to defend himself of very serious allegations of professional misconduct and impropriety through the avenue of his Counsel's written address. The LPDC found the Appellant guilty of the infamous conduct in the course of the performance of his duty as a legal practitioner and accordingly directed the

Chief Registrar of the Supreme Court to strike out his name from the Roll of Legal Practitioners. Dissatisfied by the decision of the LPDC, the Appellant appealed to the Supreme Court. Dissatisfied by the decision of the LPDC, the Appellant appealed to the Supreme Court. The Apex Court found no merit in the appeal and accordingly dismissed same.

It is pertinent to note also that, the punishment to be meted out to erring lawyers must be consistent with provisions of the law. Recently⁷, the Supreme Court in separate unanimous decisions via zoom set aside the conviction of three lawyers⁸ by the LPDC and ordered the LPDC to constitute fresh panels to hear and determine the petitions that were lodged against the alleged erring lawyers on the grounds that the proceedings by the LPDC breached the principle of fair hearing. In the case of **Nwalutu v. NBA & Anor**⁹, the Supreme Court acquitted the Appellant and set aside the direction of the LPDC which found the Appellant guilty of professional misconduct in the course of the performance of his duty as a legal practitioner and suspended him for 5 years. To my mind, lots of time and resources would have been preserved if the disciplinary measures meted out to the lawyers were done in accordance with the law.

5.0 THE RULES OF PROFESSIONAL CONDUCT

The RPC is arranged into several segments which cover, amongst others, the relationship between lawyers and clients, other lawyers and with the court and improper attraction of business. All lawyers are expected to know and understand the provisions of the Rules. For the purpose of this paper, I have provided a table to aid your reference:

SEGMENTS	PROVISIONS	RULES
A	Practice as a Legal Practitioner	Rules 1-13
B	Relation with Clients	Rules 14-25
C	Relation with other lawyers	Rules 26-29
D	Relation with the Court	Rules 30-38
E	Improper attraction of business	Rules 39-47
F	Remuneration and fees	Rules 48-54
G	Miscellaneous	Rules 55 & 56

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 practitioner.¹⁰

Aiding the unauthorized practice of the law – Rule 3

A lawyer shall not aid a non-lawyer in the unauthorized practice of the law; permit his professional services or his name to be used in aid of, or to make possible, the unauthorized practice of law by any person not qualified to practice or disqualified from practice; share legal fees with a non-lawyer except as provided in rule 53¹¹. A lawyer shall not, in return for a fee, write or sign his name or permit his name to be written or signed on a document prepared by a non-lawyer as if prepared by him.¹²

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.¹³

One issue that has spurred a lot of debate is whether a lawyer is prohibited from engaging into the business of buying and selling lands or landed property. In the case of **N.B.A. v. Ibebunjo**¹⁴, the Respondent, a legal practitioner fraudulently obtained from the Petitioner the sum of N1,600,000.00 under the pretext that he sold to him 8 plots of land at Agbama Olokoru in the year 2002 but since that year, the Petitioner had not been able to take possession of the land or receive a refund of his money despite repeated demands. The Respondent did not show his root of title, as there was no receipt or memorandum evidencing the customary purchase from the original land owners. The Respondent as vendor of the property drafted a power of attorney wherein he promised to indemnify the Petitioner of any defect in his title. The promise was not kept. He, however, alleged that he refunded a sum of N300,000.00 to the Petitioner. Upon consideration of the facts, the NBA concluded that a prima facie case of unprofessional conduct had been substantiated against the Respondent and subsequently filed a complaint before the LPDC. The LPDC unanimously held that the Respondent was guilty of infamous conduct in a professional respect

and directed that the Respondent refunds the sum of N800,000.00 to the Petitioner and that his name be struck off the roll as a legal practitioner. In determining the complaint of the NBA, the LPDC had a close look at Rules 1, 7(3)(3), 23 and 55 of the RPC. On whether the business of selling land is incompatible with the practice of law, the LPDC held as follows:

“...it is clear beyond per adventure that the business of selling land is a trade or business incompatible with the practice of law. Rule 7(3) clearly provides the category of businesses that are incompatible with the practice of law...the respondent was clearly playing with fire when he was using the platform of his legal practice to sell land. The justice of this case demands that we allow him go full time in to his main business of selling of land and to leave the business of practicing law to those who are bona fide legal practitioner...This case exemplifies the wisdom of our founding fathers in prohibiting legal practitioners from carrying on trade or business incompatible with the practice of law. This was to forestall a situation where the profession of law will be robbed of its lustre and brought into odium, opprobrium and disrepute by allowing the ethics of other professions to fuse and intermingle with the noble ethics of the legal profession...”¹⁵

Lawyers in salaried employment – Rule 8

A lawyer, whilst a servant or in a salaried employment of any kind, shall not appear as advocate in a court or judicial tribunal for his employer except where the lawyer is employed as a legal officer in a Government department.

A lawyer whilst a servant or in a salaried employment, shall not prepare, sign, or frank pleadings, applications, instrument, agreement, contract, deed, letters, memorandum, report, legal opinion or similar instrument or process or file any such document for his employer.

A director of a registered company shall not appear as an advocate in court or judicial tribunal for his company.

A lawyer in a full-time salaried employment may represent his employer as an officer or agent in cases where the employer is permitted by law to appear by an officer or agent, and in such cases, the lawyer shall not wear robes.

An officer in the Armed Forces who is a lawyer may discharge any duties devolving on him as such officer and may appear at a Court Martial as long as he does so in his capacity as an officer and not as a lawyer.¹⁶

Practicing Fees – Rule 9

A lawyer shall pay his Annual Practicing Fees not later than 31st March in every year. In the case of lawyers who are enrolled during the year, the fees shall be paid within one month of the enrolment.

A lawyer shall not claim in any court or before a judicial tribunal that he has paid his Annual Practicing Fee when he is, in fact, in default.

A lawyer shall not sign documents, pleadings, affidavits, depositions, applications, instruments, agreements, letters, deeds, letters memorandum, reports, legal opinions or similar documents or processes or file such documents as a legal practitioner, legal officer or adviser of any Governmental department or Ministry or any corporation when he is in default of payment of his Annual Practicing Fees.¹⁷

Seal and Stamp – Rule 10

A lawyer acting in his capacity as a legal practitioner, legal officer or adviser of any Governmental department or Ministry of any corporation, shall not sign or file a legal document unless there is affixed on any such document a seal and stamp approved by the Nigerian Bar Association. For the purpose of this rule, “Legal documents” shall include pleadings, affidavits, depositions, applications, instruments, agreements, deed letters, memoranda, report, legal opinions or any similar documents.¹⁸

If without complying with the requirements of this rule, a lawyer signs or files any legal documents as defined in sub-rule (2) of this rule, and in any of the capacities mentioned in sub-rule(1), the document so signed or filed shall be deemed not to have been properly signed or filed.¹⁹

Mandatory Continued Professional Development (CPD) – Rule 11

A lawyer who wishes to carry on practice as a legal practitioner shall participate in and satisfy the requirements of the mandatory Continuing Professional Development (CPD) Programme operated by the Nigerian Bar Association.²⁰

Notification of legal practice – Rule 13

Every person who sets up private legal practice either alone or in association or partnership with another or others shall, not later than thirty days after commencement of such legal practice and if he continues to carry the practice, deliver a Notice in the prescribed form to the Branch of the Nigerian Bar Association within whose jurisdiction the law office is situated.²¹

The Notice referred to in sub-section (1) of this rule shall state- the name of the legal practitioner; the address where the legal practice is carried on; the date when the legal practitioner was called to the Bar

in Nigeria; and the date when his name was entered in the Roll of Legal Practitioners in Nigeria.²²

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.²³

Representing client within the bounds of the law – Rule 15

While representing his client, a lawyer shall keep strictly within the bounds of 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 and 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.²⁴

Relation with other lawyers – Rules 22-25

Respect, cordiality, fairness and good faith are the basic requirements for the relationship between lawyers. Rules 22 -25 of the Rules of Professional Conduct 2007 gives the template of how lawyers should treat each other. Lawyers are expected to treat one another with respect, fairness, consideration and dignity, and shall not allow any ill feelings between opposing client to influence their conduct and demeanour towards the opposing clients.

Lawyer as an 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.²⁵

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.²⁶

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.

(4) The primary duty of a lawyer engaged in public prosecution is not to convict but to see that justice is done.

(5) A public prosecutor shall not institute or cause to be instituted a criminal charge if he knows or ought reasonably to know that the charge is not supported by the probable evidence.

(6) A lawyer engaged in public prosecution shall not suppress facts or secrete witnesses capable of establishing the innocence of the accused person, but he think make timely disclosure to the lawyer for the defendant, or to the defendant if he has no counsel, of the existence of evidence known to the prosecution or other government lawyer that tends to negate the guilt of the accused, mitigate the degree of the offence or reduce the punishment.”²⁷

It is pertinent to note 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.”

It is pertinent to note that legal practitioners occupy a notable status in the society at all times, whether they are acting in their capacity as legal practitioners or not. The LPDC in **NBA V. Lawal Ishaq**²⁸, 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 by-stander 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.”

Hence, a legal practitioner's conduct must conform to the requirements of the law. He must demonstrate respect to the profession and to his colleagues.

6.0 QUALITIES OF A GOOD MODERN LAWYER

The qualities of a good lawyer include but are not limited to the following:

1. A good lawyer must diversify.
2. A good lawyer must seek to know more.
3. A good lawyer must strive to build capacity.
4. A good lawyer must be diligent and committed.
5. A good lawyer must have integrity.
6. A good lawyer must be technologically advanced.
7. A good lawyer must be emotionally intelligent.
8. A good lawyer must possess good writing and drafting skills.
9. A good lawyer must be analytical.
10. A good lawyer must have a good sense of logic.
11. A good lawyer must possess good communication and negotiation skills.
12. A good lawyer must possess good decision-making skills.
13. A good lawyer must possess research skills.
14. A good lawyer must be patient.
15. A good lawyer must possess comprehension skills.

16. A good lawyer must be an attentive listener.
17. A good lawyer must be punctual.

7.0 CONCLUDING REMARKS

By way of concluding, we all must recognize that a lawyer plays a vital role in the preservation of the society and the administration of justice in Nigeria. I urge you all to remain ethical lawyers who will shun all actions that will amount to misconduct. I have no doubt that the programme has been enlightening and I encourage you all to pay keen attention and learn wholeheartedly from all that you have been and will be exposed to in practice.

Thank you for listening.

8.0 REFERENCES

1. Legal Practitioners Act 2004
2. Nigerian Bar Association Constitution, 2015 (as amended).
3. Rules of Professional Conduct, 2007
4. Black's Law Dictionary, 10th Edition
5. NBA v. Iteogu [2006] 13 NWLR (PT 996) @ 219
6. NBA v. Ishaq (BB/LPDC/150/14) reported in Directions & Rulings of the LPDC (May 2014 – April 2017) volume three
7. N.B.A. v. Ibeunjo [2013] 18 NWLR Pt. 1386 @ 413
8. Nwalutu v. NBA & Anor (2019) LPELR-46916 (SC)
9. Incorporated Trustees of the NBA v. Joe Abang, Esq. (BB/LPDC/243/2020)
10. Anthony Ojigbo v. Nigerian Bar Association & Anor (2019) LPELR-46895 (SC)
11. <https://www.inc.com/john-rampton/10-reasons-why-a-mentor-is-a-must.html> (accessed 16th June, 2021)
12. <https://www.google.com/search?q=challenges+of+mentorship&og=Challenges+of+Mentorship&ags=chrome.0.0I2.639j0j7&sourceid=chrome&ie=UTF-8> (accessed 16th June, 2021)
13. <https://www.premiumtimesng.com/news/more-news/468611-alleged-misconduct-supreme-court-orders-lpdc-to-retry-three-lawyers.html> (accessed 23rd June, 2021)

END NOTES

- ¹Black Laws Dictionary, 10th Edition
- ²Rule 55 (1) of the RPC 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.
- ³ Section 11 (1)
- ⁴ [2006] 13 NWLR (PT 996) @ 219
- ⁵ BB/LPDC/243/2020
- ⁶ (2019) LPELR-46895 (SC)
- ⁷ Friday, June 19, 2021
- ⁸ Mamman Waziri, Olayori Muideen and Osaretin Izebuwa
- ⁹ (2019) LPELR-46916 (SC)
- ¹⁰ Rule 1, Rules of Professional Conduct for lawyers
- ¹¹ Rule 53 provides that "A lawyer shall not share the fees of his legal services except with another lawyer based upon the division of service or responsibility. Provided that ---- (a) an agreement by a lawyer with his firm, partner or association may provide for the payment of money, over a period of time after his death, to his estate or to one or more persons ; (b) a lawyer who undertakes to complete unfinished legal business of a deceased lawyer that proportion of the total compensation which fairly represents the service rendered by the deceased lawyer; and (c) a law firm may include non-lawyer employees in retirement plan, even though the plan is based on profit-sharing arrangement."
- ¹² Rule 3 (1) and (2)
- ¹³ Rule 7 (1)(2)(3)
- ¹⁴ [2013] 18 NWLR Pt. 1386 @ 413
- ¹⁵ Per Daudu, SAN @ pages 428 & 429, paras B-C
- ¹⁶ Rule 8 (1)(2)(3)(4)(5)
- ¹⁷ Rule 9 (1)(2)(3)
- ¹⁸ Rule 10 (1)(2)
- ¹⁹ Rule 10 (3)
- ²⁰ Rule 11 (1)
- ²¹ Rule 13(1)
- ²² Rule 13 (2)
- ²³ Rule 14(1)
- ²⁴ Rule 15 (1)(2)
- ²⁵ Rule 30, *ibid*
- ²⁶ Rule 31(1)(2)(3)(c) and (d)
- ²⁷ Rule 37 (1)(2)(3)(4) (5) and (6)
- ²⁸ (BB/LPDC/150/14) reported in Directions & Rulings of the LPDC (May 2014 – April 2017) volume three

PHOTO SPEAK



Joe-Kyari Gadzama, SAN; HRH King A. J. Turner the Obanema of Opume Kingdom, Bayelsa State and a palace official



Joe-Kyari Gadzama, SAN with chairman and members of the NBA Yenagoa Branch, Bayelsa State, during the Branch's law week



Joe-Kyari Gadzama, SAN and Oluwarotimi Odunayo Akeredolu, SAN the Executive Governor of Ondo State at a recent function at the Deji's Palace, Akure, Ondo State



Mr. Oluniyi Adediji presenting a congratulatory card to Rev. Dr. Samson Ayokunle during the Retirement Service for the CAN President, Rev. Dr. Samson Ayokunle as the Nigerian Baptist Convention (NBC) President



Joe-Kyari Gadzama, SAN and Afam O. Okeke, Esq., Chairman of Sports Committee, NBA Abuja Branch (Unity Bar) during the Branch Lawyers Hike at Life Camp, Abuja



Joe-Kyari Gadzama, SAN with Amb. Young-Chae Kim (The Ambassador of the Republic of Korea to Nigeria) and his wife



L-R front row: Nnamdi Uzuegbu, Reymond A. Akwe, Owu Uka Egwu, Osilama Mike Ozekhome
L-R back row: Bryan N. Anyawata, Lamar Joe-Kyari Gadzama, Madu Joe-Kyari Gadzama, Martins Ekpah, Mrs. Geraldine Mbah (Managing Partner, J-K Gadzama LLP), Tochukwu Okafor, Jerry O. Musa, Izu Amyadike and Paul Ebiloma members of J-K Gadzama LLP FC during the Abuja Lawyers League 2021



L-R: Lawal Rabana, SAN; Mohammed A. Abubakar, Esq. (former Governor of Bauchi State); Chief Emeka Ngige, SAN; Chief Adegboyega Asiwaju Awomolo, SAN; Joe-Kyari Gadzama, SAN and Solomon Umoh, SAN

NEWS FROM THE FIRM

- The appointment of our Junior Partner, Mr. Darlington Onyekwere as a Member of the 2021 Visitation Panel to the Federal Polytechnic, Auchi was recently approved by His Excellency, President Muhammadu Buhari, GCFR. We congratulate Mr. Onyekwere on this well deserved appointment and we wish him a successful exercise.
- The Firm held its 6th edition of the Hon. Justice Chukwudifu Oputa, JSC, (Rtd) Professional Training and Mentoring Programme for Young Lawyers on Saturday, April 24, 2021 at the J-K Gadzama Court, Abuja.
- Mr. Amazing Ikpala, a Junior Partner has left the firm. The firm wishes him the best in his future endeavours.
- The Firm held its 13th Public Lecture theme Redefining Democracy: Yearnings of the Minority in a Democratic Setting chaired by the Honourable Minister of the FCT, Mohammed Musa Bello, Keynote Speaker His Excellency, Dr. Goodluck Ebele Jonathan, GCFR, GCON on Tuesday, June 22, 2021 at the J-K Gadzama Court, Abuja.
- Miss Opeyemi Originloye, a graduate of University of Sussex, England, called to the Nigerian Bar 2017 and Rapheal Andrew Udoh, a graduate of University of Uyo, Akwa Ibom State, joined the firm as interns. The firm wishes them a fruitful stay.

PHOTO SPEAK



Lamar Joe-Kyari Gadzama giving a presentation during a seminar at the Embassy of the Republic of South Korea



L-R: Lamar Joe-Kyari Gadzama, Glory Uhunmwangho, Sarah Atumga, Mrs. Geraldine Mbah, Amb. Young-Chae Kim; Rashidat Obamajore, Oluniyi Adediji and Mr. Jung Won Choi during a seminar at the Embassy of the Republic of South Korea



L-R: Darlington Onyekwere; Olumide Akpata (President, Nigerian Bar Association); Olasubomi Adegbebisoye; Pelumi Adewumi and Francis Oronsaye at the 2021 NBA-SLP Annual Conference in Uyo, Akwa Ibom State



Madu Joe-Kyari Gadzama receiving his award as first runner up at the 2021 NBA-SLP Golf Kitty, Uyo, Akwa Ibom State



L-R: Pelumi Adewumi; Madu Joe-Kyari Gadzama; Olasubomi Adegbebisoye; Oluseun Abimbola, SAN; Darlington Onyekwere and Francis Oronsaye at the 2021 NBA-SLP Annual Conference in Uyo, Akwa Ibom State



L-R: Madu Joe-Kyari Gadzama; Michael Numa; Mr. Akintunde, SAN; M. A. Abubakar; Awe Ideal; Joe-Kyari Gadzama, SAN; and Obi Anozie at the 2021 NBA-SLP Golf Kitty, Uyo, Akwa Ibom State



L-R: Francis Oronsaye; Madu Joe-Kyari Gadzama; Ummahani Amin; Darlington Onyekwere and Temidayo Ashonibare at the 2021 NBA-SLP Annual Conference in Uyo, Akwa Ibom State



L-R: Pelumi Adewumi; Joe-kyari Gadzama, SAN; Olasubomi Adegbebisoye; Francis Oronsaye and Darlington Onyekwere at the 2021 NBA-SLP Annual Conference in Uyo, Akwa Ibom State

IN LOVING MEMORY OF

Our beloved Wife, Mother and Sister
who slept in the Lord on 5th April, 2014



Mrs. Janada Joe Gadzama

11th July, 1971 - 5th April, 2014

How Time Flies!

To live in the heart of those you love is not to die. You left us exactly 6 (six) years ago, but your sweet and fresh memories still linger in our hearts like it was just yesterday.

Continue to rest peacefully in the bosom of our Lord

Always Remembered by

Chief Joe-Kyari Gadzama, SAN } Husband

Madu Joe Gadzama
Yahaya Joe Gadzama } Sons
Lamar Joe Gadzama
Bitrus Joe Gadzama

Maryam Joe Gadzama } Daughters
Jemima Joe Gadzama }

Mrs. Tamabari James Hamman (Sister), Mr. Zaman Bitrus Kajal (Brother),
Mrs. Anasili Medugu (Sister) and Mr. Ijai Bitrus Kajal (Brother)

UPCOMING EVENTS

AND CONFERENCES



Celebrating a Legal Everest @60. Lecture/Book Presentation/Golf Tourney/Celebration marking the 60th Birthday of Chief Joe-Kyari Gadzama, SAN.



International Bar Association Annual Conference at Paris
17 – 22 October, 2021.



Nigerian Bar Association Annual General Conference at
Port Harcourt, Rivers State. 22 October, 2021.



OUR PEOPLE

PARTNERS

1. Joe-kyari Gadzama, OFR, MFR, SAN, FNIALS, FICMC, DipICarb, FNICarb, FCI Arb, C.Arb.
Founding Principal Partner
2. Prof. Tahir Mamman, OON, SAN
Senior Consulting Partner
3. Dr. Cyril Obika, ACTI, ACI Arb
Consulting Partner
4. Geraldine O. Mbah, ACI Arb
Managing Partner
5. Francis O. Oronsaye
Deputy Managing Partner
6. Darlington Onyekwere, ACI Arb
Partner
7. Madu Joe-Kyari Gadzama, LL.M (Warwick), MCI Arb. (UK)
Partner
8. Oluniyi Adediji
Junior Partner
9. Musa Jerry Ombugadu
Junior Partner

SENIOR ASSOCIATES

1. John Echezona Unachukwu
2. Rashidat Banke Obamojure

VISITING ASSOCIATE

Ignatius Ozoilo, Pg. Dip., LL.M

ASSOCIATES

1. Chimdindu Onyedim-Etuwewe, ACI Arb
2. Agbo Mark Chidi, MCI Arb. (UK)
3. Christopher Osejje Okougha, ACI Arb
4. Adegbemisoeye A. Olasubomi, ACI Arb
5. Adewumi Pelumi Olusegun
6. Lamar Joe-Kyari Gadzama, ACI Arb, AICMC
7. Georgia Daniel Enoch
8. Sarah Jeta Atumga

JUNIOR ASSOCIATES

1. Mary Owe
2. Victor Ehiosun
3. Glory Uhunmwangho
4. Amazing-Grace Adinze
5. Godwin P. Enyinnaya
6. Ulasi M. Precious
7. Ibrahim A. Nafisat
8. Ojeke A. Hillary
9. Magaji Magai Aji
10. Igwedibia Cynthia
11. Etim-Ikang Grace Bassey
12. Chukwumerije L. Chinweotuto
13. Hafsat Garba Maidugu
14. Hajara M. S. Sorondinki

PRACTICE MANAGER

Gatida Haruna Tsammani, LL.M (Lancaster)

OFFICE MANAGER

Sunday Ali Dzarma

ICT PERSONNEL

Olalekan R. Olasehinde, CNSS (UK), CCNA

ACCOUNTANT

Ifeoma J. Nwankwo, BS.C (Hons.), ACA

INTERNS

Olasunkanmi Oluwabiye
Maryam Suleiman
Opeyemi Origenloye
Raphael A. Udoh
Vic-Sandra Edum
Unwana Okon Udoma
Chidimma Gloria Okafor
Chidera Ene Madumere
Deborah Bo Ayuba

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.

SENIOR CONSULTANT

Prof. Paul Idornigie, SAN, PhD, FCIS, FCI Arb, C.Arb

JICAM

JANADA INTERNATIONAL CENTRE FOR ARBITRATION & MEDIATION



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).

SERVICES

1. Recording Services
(360 Systems' New Instant Replay2, Networked Digital Audio, 1000 Audio Cuts at your fingertips, Instant Sound Effect, Instant Music)
2. Video Conferencing
3. Transcription
4. Case Management
5. Secretarial/Administrative Services
6. Fund Managers
7. Accommodation (Studio & En Suite)

OUR LOCATION

Plot 1805, Damaturu Crescent By Kabo Way, Off Ahmadu Bello Way, P.O. Box 20304, Garki II, Abuja, FCT, Nigeria.

Tel: 09 6233 626

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
2. Conference/Seminar Hall
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. High Definition Conference/Presentation Interactive Screen
11. Projector screen
12. Transcriber
13. Shelving Units
14. Wi-Fi
15. 18-Seater bus
16. 24-Hour CCTV
17. Spacious car park with security

For enquiries and/or Reservation Contact:


Agbo Mark Chidi, MCI Arb. (UK)
(Acting General Manager)
+234 803 445 7788

 @JicamCentre

 @JICAM

 @JICAM

 info@jicam.org

 www.jicam.org



J-K GADZAMA LLP

OFFICES/ASSOCIATE OFFICES OF THE FIRM

LONDON

107-111 Fleet Street,
London, Greater London,
EC4A 2AB, United Kingdom.

ABUJA

J-K Gadzama Court
Plot 1805, Damaturu Crescent by Kabo Way,
Off Ahmadu Bello Way, P. O. Box 20304,
Garki 2, Abuja, Nigeria.

PORT-HARCOURT

No. 66, Mbonu Street,
D/Line, P. O. Box 12395,
Port-Harcourt, Rivers, Nigeria.

SOUTH FLORIDA

4501, San Mellina Dr,
Nw 39 Ave, Coconut Creek City,
FL 33073, U.S.A.

MAIDUGURI

15B, Circular Road,
Old G. R. A, P. O. Box 112,
Maiduguri, Borno, Nigeria.

DUBAI

Sheikh Zayed Road - Dubai,
Dubai World Trade Center District,
C1 Building, 2nd Floor, Dubai,
United Arab Emirates.

LAGOS

2A, 7th Street,
Oshome One, Ikoyi,
P. O. Box 53155,
Lagos, Nigeria.

LASSA

No. 22, Wamdeo Road,
Askira/Uba LGA, P. O. Box 33,
Lassa, Borno, Nigeria.

This publication among many other
articles and news from the firm are accessible online on the office website.

Tel: +234 (0) 9 6233 600

 info@j-kgadzamallp.com  www.j-kgadzamallp.com

 J-K Gadzama LLP

 J-K Gadzama LLP

 @JKGadzamallp

**DISCLAIMER: The information contained in this Newsletter is not
legal advice. Please consult a lawyer for legal assistance.**