

CONVERSATION ON NBA REFORMS
At a Symposium of Lawyers at Owerri on 11th March 2018

PREPARING FOR THE FUTURE BAR: FROM STRONG MEN TO STRONG INSTITUTIONS

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REGULATORY REFORMS

Early in the year, NBA President AB Mahmoud, SAN, set up the Legal Profession Regulation Review Committee (LPRRC), chaired by Chief Anthony Idigbe, SAN.

The major terms of reference for the committee were stated as follows:

1. To review the current regulatory objectives and the regulatory architecture of the legal profession and advise on its suitability to meet the current requirements for a robust, responsive and independent modern legal profession in Nigeria;
2. To determine on whether the Nigerian Bar Association should retain both its regulatory and representative functions in the legal profession and if so, what necessary measures should be put in place to strengthen these roles and ensure that neither is compromised.

At the inauguration of the Committee on 24th January 2017, President AB Mahmoud, SAN, restated the following:

The recent public concern about the profession has forced many of us to think deeply on the current state of the legal profession and indeed how the profession is being regulated. We realize that there is an urgent need to interrogate the architecture of the regulation. This is imperative if the legal profession in Nigeria is to be raised in sync with current international standards of the regulation of the profession.

The Committee presented its report at the NBA NEC Meeting at Lokoja on 1st June 2017. The report includes a draft bill that repeals the Legal Practitioners Act, and the Legal Education Act. The draft bill is titled, “The Legal Profession Regulation Act”.

At this stage, the draft bill is awaiting the input of members of the legal profession before a final copy is sent to the National Assembly. It is very important to receive as many comments as possible from members of the Bar and the public.

The Legal Profession Regulation Act is divided into 9 parts:

Part 1- Regulatory objectives and professional principles; Part 2- The Legal Profession Regulation Council of Nigeria; Part3- General Provisions relating to legal practice; Part 4- Council of Legal Education; Part 5- Regulation of Legal Education Providers
Part 6- Legal Education Fund and Investment Fund; Part 7- The Nigerian Law School
Part 8- Repeals, Savings and Transitions; Part 9- Interpretation

Before the Committee’s final report, its Current State Subcommittee chaired by Mrs Funke Adekoya, SAN, had submitted a report that identified a missing gap in the regulatory objectives for the legal profession. In the words of the Current State sub-committee,

Although both the structure and the legislation relevant to the regulation of the legal profession establish various bodies which comprise the regulatory architecture by which the objectives of properly regulating the legal profession are to be implemented, apart from the Constitution of the Nigerian Bar Association, there are no clear objectives specified in the laws creating these bodies. Any review/re-enactment of the laws or the architecture that regulate the legal profession is advised to provide regulatory objectives for such bodies, in order to guide them in fulfilling their roles and objectives.

So for the first time in the history of the legal profession, the proposed bill now has robust regulatory objectives and professional principles captured as sections 1 and 2 of the draft respectively.

OBJECTIVES OF THE BILL

The regulatory objectives of this Bill includes, to -

- (a) maintain public confidence in the provision of legal services;
- (b) promote and protect public and consumers interest;
- (c) promote the rule of law and improve access to justice;
- (d) recognize and preserve the status of the legal profession
- (e) ensure the independence, integrity and honour of members of the legal profession;
- (f) increase public understanding of the citizen's legal rights and duties;
- (g) encourage an independent, strong, diverse and effective legal profession;
- (h) establish and maintain standards for the continued education, competence and responsibility of members of the legal profession and notaries public; and
- (i) promote transparency, proportionality and efficiency in the regulation of the legal profession.

The Professional Principles are:

Every legal practitioner must comply with the following obligations:

- (a) uphold the rule of law and to facilitate the administration of justice in Nigeria;
- (b) act with independence and integrity;
- (c) maintain proper standards of work;
- (d) act in the best interest of their clients as well as administration of justice;
- (e) comply with his or her duty to the court or any other law,
- (f) act with independence in the interest of justice; and
- (g) keep the affairs of clients confidential.

Presiden AB Mahmoud, SAN at the inauguration of the LPRRC identified the following as the problem:

There have been growing concerns over the past decade or so about the falling standards in the legal profession. These concerns have been expressed among the Bench, Bar, and also by public. Areas of concern have included, low admission requirements, a sharp decline in the quality of legal education, and deteriorating standards of professional ethics. We have high rates of unauthorized practice of law, weak and inadequate statutes, weak legal, institutional and regulatory regimes for the legal profession in Nigeria, low level of compliance with the rules of professional conduct, poor and incompetent delivery of legal services to client, lack of client care, corruption, and threats occasioned by globalization of legal services.

This is why it is so important to identify the goal and professional principles for the profession and the objectives for regulating it. These directive objectives and principles will form the basis of assessing the effectiveness of the regulation and subsidiary rules made under it, and act as oversight for the professional leaders, administrators, actors, members and practitioners. They are far-reaching.

While it is true that the Committee engaged members at Town Hall meetings across the Country before presenting its final report, the need for further robust discussion and input of stakeholders before the bill is moved forward cannot be over-emphasised.

GONE ARE MULTIPLE REGULATORS OF THE LEGAL PROFESSION

The proposed Legal Professional Regulation Act has removed multiple regulators for the profession. In their place is an apex regulator called the Legal Profession Regulation Council of Nigeria. Presently, the regulation of the legal profession is shared between the Bar Council, Body of Benchers, Council of Legal Education, NBA, the Privileges Committee, the Disciplinary Committee, the Remuneration Committee, the Attorney-General of the Federation, and the Supreme Court. All these bodies are almost independent organs without oversight by any other body.

The Current State sub-committee of the LPRRC found that “these are multiple bodies carrying out inter-related regulatory functions over the legal profession” and recommended the merging of these regulatory functions.

In the future law, the Body of Benchers, the Disciplinary Committee (now called Professional Conduct Committee), the Remuneration Committee (whose functions have been transferred to the Legal Aid and Welfare Committee), and the Privileges Committee are now committees of the Legal Profession Regulation Council.

The Bar Council will cease to exist; the Attorney-General of the Federation will no more have powers to prescribe practice fees; and the NBA will now have only a representative role and not a regulatory role. The Supreme Court will cease to collect practice fees and keep the role of lawyers. The Legal Profession Regulation Council will now keep the roll of lawyers, prescribe and collect practice fees, issue call to bar certificates and make rules and regulations for MCLE (Mandatory Continuing Legal Education and professional development).

LAW FIRMS TO BE LICENSED

Under the proposed Legal Professional Regulation Act, Law Firms will require to be licensed in order to operate. This licensing would be in addition to individual license.

The Reform Committee suggests the reason for licencing of law firms as “There may be a need to establish a minimum standard for a law office [as is the current requirement for lawyers wishing to ‘take silk’] together with its inspection and registration prior to its being used as the site for a chambers or law firm to enhance the efforts to increase public confidence in legal services in the country.”

DISCIPLINARY COMMITTEE REPLACED WITH PROFESSIONAL CONDUCT COMMITTEE

Under the proposed Legal Professional Regulation Act, the present Disciplinary Committee that is set up by the Body of Benchers will be replaced with the Professional Conduct Committee.

The responsibility of the Professional Conduct Committee is the duty of considering and determining any case where it is alleged that a person who is a member of the legal profession has been involved with misconduct or should for any other reason be subject of proceedings under the Legal Profession Regulation Act.

An Appointment Panel that would be created by the Legal Profession Regulation Council of Nigeria will be responsible for constituting the Professional Conduct Committee. The Professional Conduct Committee shall be five persons one of who must be a lay person. The appointment of members of the Professional Conduct Committee shall be by open competition.

The problems or challenges with the provisions relating to the Professional Conduct Committee are as follows:

1. The qualification for membership of the Committee is not stated in the draft bill;
2. The bill pronounces that “there shall be a Committee of the Legal Profession Regulation Council of Nigeria which shall be known as the Professional Conduct Committee”. The fact that the Bill pronounces “a Committee ...” is exactly the mischief we had discussed to cure but the draft has continued with the mischief. One of the setbacks to discipline in the profession has been the fact that there is only one Disciplinary Committee at Abuja dealing with myriad of cases from all over Nigeria. It takes too long to know the outcome of a case. And without an effective communication of outcomes, lawyers usually continue with their impunity since people hardly ever get to know if anybody was sanctioned for infamous conducts.
This mischief was cured by the Legal Practitioners (Amendment) Bill that was submitted to the National Assembly in 2007 by the Bar and sponsored by Senator Ndoma Egba. In that Amendment bill, section 35 provides that “The Body of Benchers may set up Legal Practitioners’ Disciplinary Committees to deal with allegations of professional misconduct against legal practitioners.”
The disciplinary body ought to be an adhoc body and we should be able to set up as many disciplinary committees as possible at different parts of the country at the same time for limited number of cases as terms of reference.
The future bar would be served best if this error in the draft bill is reversed.
3. The draft Legal Profession Council bill provides an open and transparent process for the appointment of members of the Professional Conduct Committee. One of its requirements is that advertisement for appointment of members of the Committee be published in the Association’s (NBA) electronic platform. Meanwhile, the Bill sets out to remove the regulatory authority of the NBA. Why then make them responsible for the advertisement. Would the Legal Profession Regulatory Council of Nigeria to be established under the bill not have its own electronic platform? The Legal Profession Regulation Council of Nigeria would be regulatory body for the legal profession and the buck should stop there.

NO LIFE BENCHER FOR BODY OF BENCHERS

Under the proposed Legal Professional Regulation Act “Life Benchers” will cease to exist but any person bearing the designation “life bencher” may bear the designation on honorary basis only. Except for ex-officio members, the tenure of membership of the Body of Benchers shall be three years renewable for only one more term of three years. The Body of Benchers will be a Committee of the Legal Profession Regulation Council of Nigeria. It will have only one function or responsibility that is the formal call to the Bar of persons seeking to become legal practitioners in Nigeria.

The number of members of the BOB has been drastically reduced to about 55 persons comprising the following:

The Chief Justice of Nigeria and 3 Justices of the Supreme Court; The President of the Court of Appeal and 2 Justices of the Court of Appeal; The Attorney General of the Federation; The Chief Judge of the Federal High Court; The Chief Judge of the Federal Capital Territory High Court, Abuja; six (6) Chief Judges of the States, one each from each of the six (6) geo-political zones in rotation in alphabetical order within the states of each of the geo-political zones from the date of commencement of this Bill; six (6) Attorneys General of the States to be nominated by the State Attorneys General Forum; the President of the Association; A non-ex-officio lay member nominated by the Appointment Panel; the Chairman of the Council of Legal Education; **Thirty (30) legal practitioners elected from the various sections of the Association** as well as the geopolitical zones; six (6) of whom shall be Senior Advocates of Nigeria elected by the Body of Senior Advocates of the Nigeria.

NBA shall create rules for election of its 30 representatives or such election shall be as stipulated in the Constitution of the Association.

There are some gaps in the draft bill. There is no provision for the appointment of the Chairman of the BOB. Section 13(2) of the draft refers to none existent subsection (m) of Section 13(1). The correct subsection is (k). And when do you get the NBA to amend its Constitution to provide for election of its representatives to the BOB.

MCLE WILL NOT FAIL

We established the NBA Institute of Continuing Legal Education in 2007 and the Bar approved a Mandatory Continuing Legal Education (MCLE) programme. This was under the impetus of Dr. Olisa Agbakoba, SAN as the NBA President and Lawal Rabana, SAN as General Secretary.

The commencement of the MCLE and the establishment of the Institute was the result of a strong advocacy for a mandatory programme by this writer that started in the 1990s.

When the NBA NEC approved the MCLE Rules and Guidelines in 2007, it set up a Board for the Institute under the rules. The first Chairman was Late Prof Jegede, SAN. The NBA President and Secretary or their representatives were (are) members of the Board. The Institute was set up as a semi-autonomous institution with a Board and a Director- all reporting to the NBA NEC and AGM. The Institute was not set up as a membership organ or arm like NBA Sections and Forums.

As in other civilised places, the Institute had (has) the responsibility to drive the MCLE programme. It controlled the programme, accredited service providers and CLE programmes. It monitored programmes and awarded credits. It determined exemptions, and MCLE credit reporting periods.

After a few years of operation, the MCLE programme collapsed because the vision changed. As can be seen in the 2015 NBA Constitution, the Institute’s approved Rules have been abandoned and the Institute has been categorised as a membership organ or arm of the NBA like Sections and Forums – a clear anomaly and an aberration.

The easy way we abandon visions and corrupt our dreams is one main reason why under the proposed Legal Profession Regulation Bill, the control and management of the mandatory continuing legal education programme (MCLE) has been taken away from the NBA and vested in the Legal Profession Regulation Council of Nigeria. The actual work of regulating and oversight of the MCLE programme shall be carried out by the Education Committee of the Council.

In the future then, if the Legal Profession Regulation Bill becomes Law, the NBA’s change of leadership will no more alter the vision of the Mandatory Continuing Legal Education Programme. Our MCLE will then become and remain a live programme.

PUPILAGE: TO BE SAN YOU MUST SUPERVISE PUPILAGE

Under the proposed Legal Professional Regulation Act, an applicant to be conferred the privilege of SAN must participate and contribute as pupil supervisor. However to become a Pupil supervisor is not automatic. There would be

a Unit or Division in the Legal Profession Regulation Council Secretariat that would be determining who qualifies as a supervisor under the guidelines provided by the Council.

PUPILAGE WITHOUT MINIMUM SALARY IS SURE SLAVERY FOR YOUNG LAWYERS

Section 26 of the Legal Profession Regulation Bill prescribes a mandatory pupillage scheme for every lawyer admitted to the Nigerian Bar from the date of the commencement of the Act. At the Lagos State Administration of Justice Conference Lagos, 2017 and the NBA Section of Business Law Conference Lagos, 2017, I strongly opined that a mandatory pupillage programme without minimum salary will convert our young lawyers to slaves. I still hold that view today.

I have reviewed the Legal Profession Regulation Bill and I find two gaps that we need to cover.

The first one is that the Bill does not create mandatory duty on the Legal Profession Council of Nigeria to prescribe minimum emolument for pupils. It is true that one of the prescribed responsibilities in the bill is that the Council shall make rules for “funding of the pupil programme”. This provision in my view is not enough to take care of the responsibility to provide minimum emoluments for the pupils. We should have a provision in the bill that clearly state that “the Council must prescribe mandatory minimum emoluments for pupils.”

I have my doubts if pupillage can be successfully implemented in Nigeria. I also question the efficacy of pupillage as a solution to our low professional standards as long as the Bar continues to show disinterest what we do with legal education at the LLB and Law School levels. I will fully address this aspect later.

But if we must have pupillage, then our pupils must be paid a fair and mandatory minimum wage. In England, where we want to copy pupillage from, the Bar Standards Board prescribes a mandatory minimum salary for pupils. The current regulatory minimum salary is £12,000 per annum.

The second gap in our proposed bill is the date of commencement of the pupillage programme. The bill says it is “from the date of commencement of this bill.” The bill should rather provide an open commencement date. It should rather state that “from the date pronounced/ prescribed/ordered by the Legal Profession Council of Nigeria....” This is the only way for such a huge venture to have the chances of serious implementation success. An open date will create the opportunity to set up the Council after the Bill is enacted into law. The Council will then go into serious studies of what will or will not work; accredit law firms that have the requisite facilities and capacity to take pupils; write the rules and guidelines to deal with the scope of activities for the pupillage, minimum salary, treatment of pupils, complaints procedure etc. The Council would also have the time to train the first set of Pupil Supervisors, and set up the Division responsible for the pupillage programme. This would also be the time to focus on the reform of legal education especially at the foundation level- the LLB programme. Pupillage without reforming legal education at the foundation is putting something on nothing.

MINIMUM SALARY WOULD BE PRESCRIBED FOR YOUNG LAWYERS

Under the proposed Legal Profession Regulation Act, the Legal Aid and Welfare Committee is charged with responsibility inter alia “to determine and recommend to Council minimum remuneration for young lawyers in private law firms.”

In 2012 in a paper titled “Pupillage”, delivered at the NBA Ikeja Branch Young Lawyers’ Forum Seminar O.A.R. Ogunde, SAN wrote on a sub title on “the Perils of the young lawyer” thus: “It is self-evident that the young lawyer ... is about the most vulnerable in the legal profession. I have diligently searched through the NBA Constitution and I cannot find any provision in that constitution that gives any special privilege or right or advantage to this class of lawyers. Immediately after being called to Bar, there is no programme that has been outlined for their development or career enhancement. Even a visit to the website of the Young Lawyers’ Association reveals how neglected they are.”

What Ogunde said in 2012 is still true today. The only references to young lawyers in the 2015 Constitution are:

- (1) Aims and Objectives: S. 3(1)(m)- “Creation of schemes for the encouragement of newly qualified members ...”
and
- (2) Uniform Bye-Law for Branches: S.20(1)(B)- “A Welfare Scheme ... shall be established ... To assist the sick, the aged, the disabled and newly qualified members of the Branch.”

The proposed Legal Profession Regulation Act seems to provide a basis for addressing the perils of the young lawyer. It sets up a Young Lawyers and Career Committee that has responsibility to:
articulate the welfare of young lawyers and address the issues concerning their welfare and professional development;
organize mentorship programs for young lawyers; develop plans and schemes for welfare of young lawyers for

consideration and approval of the Council; consider and advise Council on schemes to assist young lawyers with gaining experience, achieving referrals and developing their practice; supervise Council Secretariat regarding maintaining a referral database and referral service for young lawyers; partner with the Nigerian Bar Association Young Lawyers Forum in the performance of its responsibility; and perform such other functions relating to career and professional development of young lawyers in Nigeria as the Council may direct.

I think the function of prescribing minimum remuneration for young lawyers should be moved from the Legal Aid and Welfare Committee and transferred to the Young Lawyers and Career Committee.

STAMP/SEAL NOT SPECIFICALLY PROVIDED FOR IN THE BILL

The proposed Legal Profession Regulation Act does not specifically provide for stamp and seal unlike the previous attempts at having a new Legal Practitioners Act. In the respective 2004, 2007 and 2012 Legal Practitioners Bills, specific provision was made for an NBA controlled Stamp and Seal. Commentators suggest that the non provision for stamp and seal in the present draft bill is not surprising because regulating activities like stamp and seal falls under the following functions of the Legal Profession Regulation Council of Nigeria established by the proposed Act:

- i. regulate the legal profession in the overall interest of the public;
- ii. achieve the regulatory objectives and professional principles set out in this Bill;
- iii. make rules for the regulation of professional conduct and ethics in the profession

At present Stamp and seal has been provided under Rule 10 of the Rules of Professional Conduct enacted by the Bar Council in 2007. The Rule states that “*A lawyer, acting in his capacity as a legal practitioner, legal officer or adviser of any government department or Ministry or 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.*”

The Rule allows lawyers to use only the stamp and seal approved by the NBA but does not state that NBA can make additional Rules on Stamp and Seal like making the stamp expiable. Such additional condition for the use of the Stamp should require the Bar Council’s enactment.

YOUNG LAWYERS, FIDA, LOAN, LAW TEACHERS, LAY PERSONS WILL MANAGE THE LEGAL PROFESSION

Under the proposed Legal Professional Regulation Act the Young lawyers Forum, FIDA, Law Officers Association of Nigeria (LOAN), Law teachers (Nigerian Association of Law Teachers, and lay persons shall manage an independent legal profession.

The proposed Legal Professional Regulation Act has removed multiple regulators for the profession. In their place is an apex regulator called the Legal Profession Regulation Council of Nigeria. The Council shall consist of the following members -

- a. The Chief Justice of Nigeria or his alternate who may be a Justice of the Supreme Court, the President of the Court of Appeal or the Chief Judge of a State High Court or Federal High Court;
- b. President of the Association or his representative;
- c. Two members of the Association appointed by the President of NBA;
- d. The Attorney General of the Federation or his representative
- e. One (1) Senior Advocate of Nigeria elected by the Body of Senior Advocates of Nigeria;
- f. By rotation one (1) Attorney General of a State elected by the State Attorneys General Forum;
- g. One (1) Nigerian members from the International Federation of Women Lawyers – FIDA;
- h. One (1) young lawyer who shall be elected by the Young Lawyers Forum of the Association
- i. Six (6) legal practitioners directly elected by the six geopolitical zones in Nigeria in accordance with the provisions of the Constitution of the Nigerian Bar Association;
- j. One (1) law teacher who shall be elected by the National Association of Law Teachers;
- k. Three (3) lay persons appointed by the Appointment Panel established under this Bill; and
- l. One (1) lawyer who is in private corporate commercial practice to be appointed by the Appointment Panel; and
- m. One (1) lawyer to be elected by the Law Officers Association of Nigeria.

The Chairman of the Council shall be elected from the members and shall not include the ex officio members of the Council. The Appointments Panel that will appoint the three lay persons shall consist of –
The President of the Nigerian Bar Association who shall be the chairman of the Panel; The President of the Nigerian Medical Association; and The President of the Institute of Directors, Nigeria.

The elections of the six lawyers from 6 geo-political zones shall be by open competition and appropriate arrangements must be put in place, including advertisement and publication on the Association electronic platform and national print media, to ensure that qualified persons who meet the criteria put their names forward.

OUR REPRESENTATIVE ROLE: THE NBA CONSTITUTION

In September 2017 the Nigerian Bar Association inaugurated a Constitution Review Committee headed by Mallam Yusuf Alli SAN. In the inauguration speech President AB Mahmoud SAN said that one of the areas that requires total constitutional overhaul and which the Committee should pay close attention to is in respect of leadership succession in NBA, and the mode of electing NBA National Officers. According to him, an extensive study of different models and best practices across diverse jurisdictions and countries revealed that no Bar Association or Law Society used the current NBA model of leadership succession and election of National Officers. “The current NBA leadership succession and election model are expensive, primordial, obsolete, risky, and may throw up mediocrity”. This challenge among others, Mahmud noted, relate to the governance structure of NBA. See The Nigeria Lawyers - <http://thenigerialawyer.com/nba-constitution-is-obsolete-risky-expensive-ab-mahmoud-san/> accessed last on 10th March 2018.

The Terms of Reference of the Committee are:

1. To thoroughly study the NBA Constitution with a view to identifying areas that require amendment and propose appropriate amendment that will promote the objectives of the Bar.
2. To review the NBA Constitution and receive memoranda from members on all aspect of the NBA Constitution that require amendment.
3. To propose appropriate amendment in the areas pointed out in the President’s speech where the Constitution is lacking
4. To review and propose amendments as may be deemed necessary to the NBA Constitution.
5. To propose amendment(s) that in the opinion of the Committee would bring the NBA Constitution in line with best international practice(s).
6. To prepare a draft NBA Constitution for presentation at NEC at the Extra- Ordinary General Meeting within six (6) weeks of inauguration.
7. To consult Bar leaders across the Country on its Terms of Reference and reflect inputs.
8. To do any other activity (ies) incidental to the above terms of Reference.

AIMS AND OBJECTS OF THE NBA CONSTITUTION

Section 3 NBA Constitution provides the following aims and objectives:

1. Maintenance and defence of the integrity & Independence of the Bar and the Judiciary.
2. Promotion and advancement of Legal Education, Continuing Legal Education, Advocacy and Jurisprudence.
3. Improvement of the system of administration of justice, its procedures and the arrangement of court business
4. Improvement of regular law reporting.
5. Establishment, maintenance and operation of a system of prompt and efficient legal aid and assistance for those in need but who are unable to pay for same.
6. Promotion and support of law reform.
7. Maintenance of the highest standards of professional conduct, etiquette and discipline.
8. Promotion of good relation among the members of the Association and lawyers of other countries.
9. Promotion of co-operation between the Association and other National or International Law Organizations
10. Encouragement of the establishment of a National Law Library.
11. Encouragement and protection of the right of access to courts at reasonably affordable fees and of representation by counsel before courts and tribunals.
12. Promotion and protection of the principles of the rule of law and respect for enforcement of fundamental rights, human rights and people’s rights.
13. Assistance to aged or incapacitated members of the Association.
14. Creation of schemes for the encouragement of newly qualified members

15. Establishment of schemes for the promotion of the welfare, security and economic advancement of members of the legal profession.
16. Creation and maintenance of an Endowment Fund for the proper observance and discharge of any of these aims and objects.

GOOD GOVERNANCE KEY TO STRONG INSTITUTION

Keys include: Participation, Rule of Law, Transparency, Responsiveness, Equity, Effectiveness and efficiency, Accountability, and strategic vision.

OUR ROLE FOR THE FUTURE BAR: OUR SLAVERY, OUR BONDAGE UNDER FEW MEN OR OUR FREEDOM UNDER STRONG NBA INSTITUTION

What Role (s) are we ready to play to ensure that we do not remain under the bondage of a few men at the Bar who parade themselves as our leaders and representatives?

Is it possible to successfully and sustainably drive the objectives of the NBA without building a strong Institution?

Do we want to give up our right to universal voting back to delegates?

What do we do with the relationship between the National and branches?

Do we need State Bar in place of branches or State Bar Forum

How much longer should we delay the creation and sustenance of a strong high caliber civil service cadre as the pivot of good governance for NBA with an oversight governing body composed of a few elected members?

When can we allow our Sections and Forums a good measure of autonomy? Or do we continue to hold every one down on the floor?

Why is our Young lawyers Forum not autonomous as they are in other places of the World?

Why is our auditing and accounting not transparent?

Do we have procurement rules?

Why is the President of the Bar allowed to nominate/appoint all 180 NEC co-opted members alone?

Why is the President allowed to nominate/appoint most Committees alone?

Why is the governance of the Bar (both at the National and Branch levels) not inclusive? Should we continue to discriminate between our members in private practice from those in public service?

Are our ladies, young lawyers, and members with disabilities properly represented in our governance and activities?

Why are our Institutes (Institute of Continuing Legal Education and Human Rights Institute) treated as if they are Committees of the Bar? Do we not understand the role, functions and status of an Institute?

Since the proposed Legal Profession Regulation Act is likely to deal with continuing legal education, should our Constitution continue to provide for the Institute of Continuing Legal Education?

Should NBA NEC continue to have too many members as we have now?

Have we made any input towards the review of our Constitution?

Have we made any suggestions on the draft Legal Profession Regulation Act?

THE SPECIAL POSITION OF OUR YOUNG LAWYERS AND THE YOUNG LAWYERS FORUM

YOUNG LAWYERS REPRESENTATION UNDER THE CONSTITUTION

I sent a memorandum to the Constitution Review Committee. One of the subjects I tackled in my memorandum is the representation of young lawyers under the Constitution.

“One such needful area is the representation of young lawyers in decision making in NBA. As at present, we have the definition of “young lawyers” as those under 7 years post call.

Take a look at the composition of the NBA National Executive Committee (NEC).

1. National Officers – They are 13 in number and only 3 posts have potential for young lawyers. For these 3 posts a lawyer may vie if not less than 5 years post call but the 3 posts are not exclusively reserved for young lawyers of even 5-7 years..
2. All past Presidents (none is young lawyer)
3. All past General Secretaries (none is young lawyer)
4. 125 Chairmen of Branches who must be not less than 10 years at time of election.
5. 125 Secretaries of branches who must be not less than 8 years post call
6. 125 Branch representatives who must not be less than 10 years
7. 40 co-opted SANs
8. 40 co-opted senior members who must not be less than 25 years post call
9. 100 co-opted members from special interests who must not be less than 10 years post call
10. Chairmen and Secretaries of sections (not young lawyers).

In effect, out of about 585 members of NEC, only about 3 members could be young lawyers and as I stated earlier there is no guarantee as older lawyers are free to vie for those positions.

While 40 SANs are given exclusive membership of NEC, no single position is exclusively reserved for young lawyers.

The future Constitution must address this anomaly. At the branch level, there is also no exclusive and affirmative provision for young lawyers’ representation. “

NBA YLF- IS THERE A GOAL AN AIM OR OBJECTIVE FOR OUR YOUNG LAWYER’S FORUM?

Our website declares that “*The Young Lawyers Forum of the Nigerian Bar Association was created to help Young lawyers practicing in the Nigerian.*” “*READ MORE ... Download Registration Form Here.*” There is nowhere to find a written goal, an aim or objective for our Young Lawyers Forum.

Most animals in the forest support their young ones to walk and survive immediately after birth. The Nigerian Bar Association gives birth to its young and turns its back. The future of the Bar must be rebranded and there is no other cadre of members that we should put more focus on than the young lawyers- starting with setting a goal for our Young Lawyers Forum! Otherwise our race will go extinct.

And when we go extinct, there would be no Institution to make strong!

The best way to predict the future is to create it. – Peter Drucker