

SETTING A NEW BAR

My Leadership Mission Statement and Programme of Action for the
Nigerian Bar Association

Prof. Ernest Ojukwu, SAN
(Teacher)
for
President NBA

1. INTRODUCTION

Distinguished Colleagues, I hereby, having consulted widely and nominated for election to the office of the President Nigerian Bar Association, share my vision and programme of action for the Bar.

2. VISION: *Setting A New bar for A Relevant NBA*

3. **MISSION:** To **RECREATE** the NBA to serve our members, the legal profession, and the nation by:
- WELFARE & SERVICES:** Providing services, benefits and programmes that promote our members' welfare, quality of life and professional growth;
 - ETHICS & DISCIPLINE:** Promoting very high ethical standards, discipline, conduct and professionalism in the legal profession;
 - GOVERNANCE:** Promoting full and equal participation in the association; Institute an accountable, open, transparent and democratic governance of the association;
 - RULE OF LAW:** Advancing the Rule of Law by:
 - Preserving the independence of the legal profession and Judiciary;
 - Holding governments and their agencies/agents accountable under the law;
 - Working to increase meaningful access to justice, and protection of human rights and fundamental freedoms;
 - Increasing public understanding and respect for the rule of law and the legal process; and
 - Inspiring a culture of pro bono, public and social justice among members.

4. ROAD TO A RELEVANT NBA: **SETTING A NEW BAR**

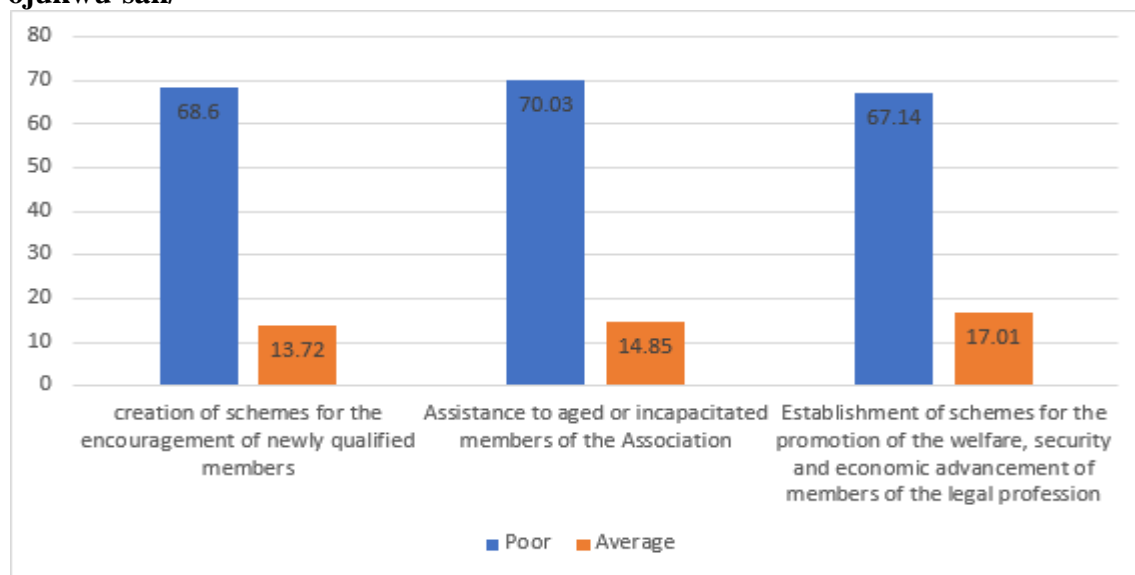
A. WELFARE & SERVICES TO MEMBERS

The principal reason for the existence of the Nigerian Bar Association as a Professional Association is the protection and projection of the interests and welfare of its members. Every member of the Association has to be able to easily answer the question: What does the NBA do for me? The specific aims and objectives provided in Section 3 of our Constitution on welfare are:

“(1) Creation of schemes for the encouragement of newly qualified members and assistance to aged or incapacitated members of the Association;

(m) Establishment of the schemes for the promotion of the welfare security and economic advancement of members of the legal profession”

The welfare of members has not been a priority in reality. It is not surprising that NBA has performed abysmally low on members’ welfare as Welfare appears at No. 13 out of 14 objectives in our Constitution. A recent survey of members’ view on how NBA has performed with respect to members’ welfare, security and economic advancement shows that lawyers scored NBA “very poor” on “members welfare, security and economic advancement”; on “creation of schemes for the encouragement of newly qualified members; and on “Assistance to aged or incapacitated members of the Association”. See <http://ernestojukwu.com/lawyers-score-nba-performanec-poor-on-welfare-of-her-members-by-prof-ernest-ojukwu-san/>



FUTURE ACTIONS ON WELFARE & SERVICES:

We shall reverse this role and, shall indeed, make the welfare and services to members, their security and economic empowerment our **NO. 1 GOAL and OBJECTIVE**. To this end, the administration shall -

Develop a Strategic Policy and Plan of Action for Welfare Matters.

JOB CREATION AND ADVANCEMENT shall be a priority through policies and very many outcome-based capacity building opportunities and programmes.

ENHANCEMENT OF LEGAL BUSINESS THROUGH WORK AND JOB CREATION/PROPER FEES

The NBA shall embark on an aggressive Reform of Laws, Rules and Regulations. To this end, we shall:

Make very clear the exclusive work of Lawyers; so, we could robustly fight encroachment.

Review and enact a New Scale of Charges that covers other non-contentious businesses in addition to land instruments.

Create a proper Remuneration Committee, empowered to enforce Rules on Charges under the Law;

Empower and Provide for the request for returns on used NBA Digital Stamps to keep a trail on used stamps and obedience to the use of a scale of charges;

Pursue a legal regime of mandatory franking and signing and stamping by a lawyer before registration of every land instrument;

Produce and secure the enactment a new Rules of Professional Conduct that makes it a misconduct to charge fees below the Scale of Charges;

Review the Rules of Professional Conduct to allow for a more liberal regime of advertisement, acknowledging that Law is a business;

Have a very active NBA (Institutional) advertisement for the role of the Bar in rendering services to the public. This will drive Community and Clients' awareness of their rights and the effect is to seek more and more legal assistance. This will create jobs.

Conduct a robust advertisement of our Stamp and Seal to the public, which would encourage the public and clients to seek the services of genuine and active lawyers, who use our stamps. This is akin to NAFDAC's advert of their hologram and scratching for genuine drugs. This will create awareness and job for lawyers.

Design and Conduct Continuing Legal Education (CLE) programmes and workshops on the requisite skills for charging professional fees and billing.

Advocate for protection laws and rules for certain areas of practice for only lawyers enrolled in Nigeria, while conforming to legitimate global commercial treaties binding Nigeria. We shall make strong demands on Government Institutions to stop outsourcing our legal services.

Work out and maintain loan support for the purchase of office equipment, cars, and landed property for residential use for members.

Actively advocate and support capacity building for Lawyers in employment in the public and private sectors, and their welfare including advocating for proper emoluments.

Protect our colleagues in employment in the private and public sectors from any forms of mistreatment and abuse in the hands of their employers.

Advocate the employment of lawyers as Legal Advisers in all public institutions – Ministries, Departments, Agencies of Government, and Local Governments.

Expand the regime of employment of Lawyers as Prosecutors in Magistrate Courts, as successfully implemented in Bayelsa State in 2004/5.

Increase the number of Lawyers employed as Assistants to Judges of Courts of Records.

Support very active **Alternative Dispute Resolution practice** for lawyers.

Antecedents & Experience:

(a)The only book on Legal Practitioners charges in Nigeria (1997) is authored by me.

(b)I have done so much on law/rule reform and advocacy for the legal profession.

(c)Chairman, NBA Law Reform Committee (2002-2004) -We produced a new Legal Practitioners Act in 2004 (President Wole Olanipekun, SAN Tenure).

(d)Legal Profession (Amendment) Bill 2007 - In 2006, the NBA under President Olisa Agbakoba SAN requested an amendment in place of a completely new Act and I submitted a new Legal Practitioners (Amendment) Bill which sponsored by Senator Ndoma Egba SAN in the National Assembly now reactivated by Senator Akpabio.

*(e)Member, NBA Committee on the review of the Legal Practitioners Act & Legal Education Act 2011 - In 2011, President Daudu SAN set up a new Committee to draft a new Legal Practitioners Act. I produced a new draft for the Committee and that draft is currently pending before the National Assembly. In addition to the Legal Practitioners Act, I also submitted to the Bar draft bills on **Legal Education** and **Legal Services Commission**. These are also presently before the National Assembly.*

(f)Member, Abia State Law Reform Commission, April 1999-2010; (g)Member, Abia State High Court Rules Committee, 2000 – 2002

(h) Chairman NBA Future State of the Legal Profession Sub-Committee of the NBA Legal Profession Review and Reform Committee, 2017

(i) I Organised as Chairman NBA Aba Branch the 1st Law Reform Workshop in Abia State in 1998 that led to the designation of all lands in Abia State as Urban land to save lawyers job following the then Sadiku's case and also led to the replacement of Statutes of General Application in Abia State with 22 Edicts that I produced for the State and they were signed into Law on 24th May 1999.

(j) I wrote the Rules of Professional Conduct 2007 (with the oversight of President Agbakoba SAN and Gen Sec Lawal-Rabana SAN) based on an earlier draft of late Justice Orojo. Yemi Candide-Johnson's Committee produced new Rules of Conduct in 2012. I conducted a validation workshop on it in 2013 at the NBA Annual Conference in 2013 and updated it. I am right now further updating that draft so that we will go into action with it (in consultation with members) as soon as I am inaugurated as President.

(k)I set up the 1st Welfare Account/package for NBA Aba Branch in 1997.

YOUNG LAWYERS

Young Lawyers are the future of the Bar. How Young Lawyers are treated reflects on the dignity of the legal profession. Our primary and principal goal shall be the growth of our young lawyers. To this end the economics of their survival shall be paramount. From the onset, we shall **Prescribe** and **actively** enforce a policy of **minimum wage** in private law firms through law and Rules of Professional Conduct. The proposed Legal Profession Regulation Act makes provision for the prescription of the minimum wage by the Legal Profession Regulation Council of Nigeria. A minimum wage regime would be zoned and categorised. Minimum wage addresses the dignity of the lawyer and the legal profession. A reasonable minimum wage for a professional trained for 6 years to be a lawyer is a fundamental issue of professionalism for the Bar. When I inserted Stamp and Seal through the Rules of Professional Conduct, very few persons gave its enforceability a chance. I will do it again with minimum wage. In 2002-2004 the Bar prescribed minimum wages in zones. The only thing that did not happen was their enforceability. Enforcement of a minimum wage is a win-win situation for all members and the profession. Employer and employee would benefit and so would the profession.

In addition to the economy of Young Lawyers, the administration shall:

Focus on capacity building and Job and work creation;

Activate massive, active and sustainable transition programmes such as **CAREER COUNSELING**, **CAPSTONES**, **IMMERSION** and **INCUBATOR** programmes;

Provide Capacity, Technical and Financial support for developing Solo and Peer Partnership practices for young lawyers;

Ensure Placements on institutional and **professional mentoring programmes**, sharing opportunities for further education, training, scholarships and resources. The Bar would drive an organised mentoring programme where volunteer mentors would be identified, and mentees formally placed with mentors. There would be training opportunities for mentors and mentees on the mentor-mentee relationship;

Establish a strong **Job Placement** Unit for counselling, advising and helping place new intakes and young lawyers in employment. We shall continually identify and maintain a database of unemployed or underemployed young lawyers and continually work on job placements with public and private institutions/organizations. None exist now;

Provide and support Radical protection and respect of young lawyers as Nigerians deserving of their fundamental **rights to dignity** in our law firms. For example, we shall provide regulations that make it a misconduct for any lawyer to be engaged in employment or association or partnership without a written contract;

Provide Institutional protection for our young lawyers from sexual abuse and other molestations and abuses in our law firms and other organizations, agencies and institutions whether private or public;

Provide a Professional and Responsive Complaint and Help Support Desk/Unit at NBA Offices;

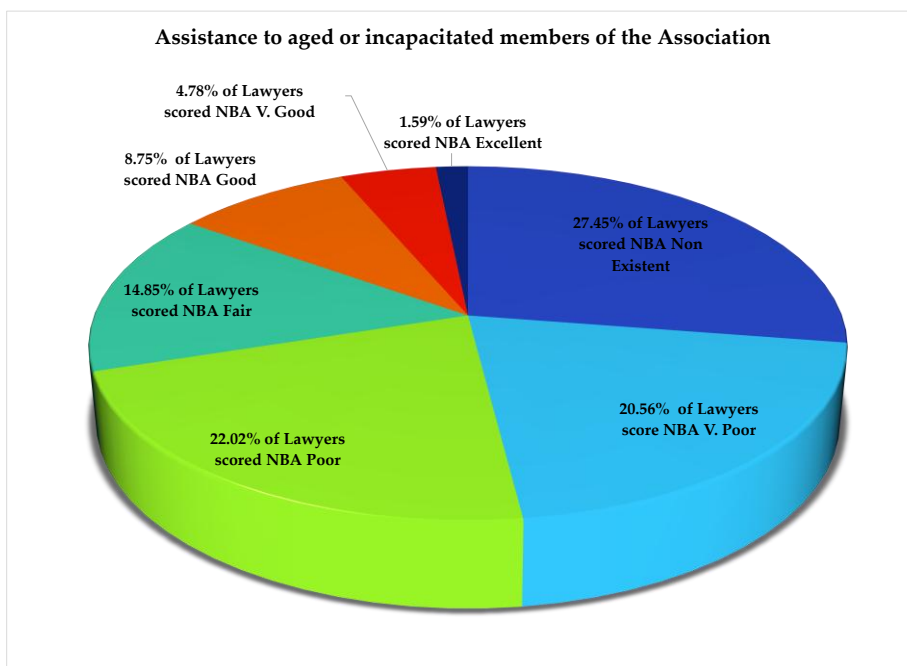
Reset, institutionalize and support a sustainable and very active **YOUNG LAWYERS FORUM** that is autonomous, inclusive and democratic. Set a new bar for the Forum that captures clear goals and objectives designed for the growth of members of YOUNG LAWYERS FORUM and as an engine house for the larger Bar. As at today, the Young Lawyers' Forum has no defined goal or objective;

Provide free Mandatory Continuing Legal Education (MCLE) training programmes for young lawyers.

Antecedents & Experience:

I have been embedded among young lawyers starting as their teacher for the past 33 years. I know their needs and I know that they hold the key to the Future Bar. If we do not focus on them now the legal profession in Nigeria would go extinct just as races that ignore their young. I have spoken publicly on issues concerning our young lawyers for many years. It is now time for me to do what I have been preaching. And I will. I have spoken out for young lawyers. I submitted a memorandum to the Yusuf Alli SAN NBA Constitution Review Committee on the inclusion of young lawyers in the governance of the Association.

AGED & INCAPACITATED LAWYERS AND MEMBERS WITH DISABILITY



Under the new administration, NBA shall:

Closely and actively partner with the **Association of Lawyers with Disabilities in Nigeria (ALDIN)**;

Set up an active **NBA Lawyers with Disability Forum**;

Vigorously advocate for disability rights generally in Nigeria;

Continually identify and keep a database of members who are aged, or incapacitated, and those with disability, for support. No institutional policy or support exists.

Ensure that NBA Secretariats and offices, Ministries of Justice parking lots, Conference Venues, Law Faculties, the Law Schools, and the Courts are made accessible for members with physical disability;

Introduce the use of Braille, Sign language, and assistive attendants at NBA events and venues;

Establish a Trust Fund immediately for short-term interventions for sudden incapacities;

Implement a policy of fee waivers and low fees for aged and incapacitated members, at Conferences;

Establish an active Professional Help and Support Desk/unit/link for aged/incapacitated members and members with disability.

Antecedents & Experience:

I have worked as Consultant to the National Human Rights Commission on disability rights and I conducted a research and submitted a report on Accessing Public Buildings by Persons with Disability. Under NULAI Nigeria we have pursued for many years a vigorous campaign on social justice issues including disability rights.

INSURANCE

The vagaries of life and the hazards of the practice of the profession, makes it imperative that we shall:

Re-introduce a life insurance scheme;

Introduce and maintain a good health insurance scheme for members;

Create and implement a welfare package for families of deceased members;

NBA ANNUAL CONFERENCES

Our annual conferences shall be conducted based on the highest standards and best practices but at **low fees**. We shall not break the bank for our conferences. Our conferences will be based on a budget to be approved by members. The account will be open and transparent, and accounts would be rendered swiftly and published widely including on our website. I accounted for ALL funds I received as registration fees from members for on-the-spot registration in the 2003 Annual conference by the Thursday of the conference week.

Antecedents & Experience:

*I have taken part in organising one of the best conferences for the Bar since 1991. I was **Alternate Chairman**, NBA Conference Planning Committee 2003 Annual Bar Conference Enugu during Chief Wole Olanipekun SAN tenure as President. This was the first NBA Conference to adopt the IBA standards of breakout sessions. Before then I was **Member** NBA Annual Conference Planning Committee 2002 under President OCJ Okocha SAN. I was **Speaker** at the IBA's (International Bar Association) conference in Chicago 2006; **Speaker** at the IBA's conference at Boston 2013 and Keynote speaker and presenter at so many other International conferences such as Harvard Law School's Global Legal Education Forum, American Bar Association, Global Association for Justice Education, and others conferences at South Africa, Ghana, Kenya, Uganda, Senegal, India, Australia, Turkey, Philipines, USA, London, et al. As a **Young lawyer at 7 years at the Bar**, I Presented a Paper at the NBA 1991 Annual Bar Conference Owerri on the topic: "**Executive Lawlessness and Judicial Helplessness in the Administration of Justice: A need to Plug Up the Holes**" (See www.ernestojukwu.com).*

STAMP & SEAL

On several occasions, I have stated that it is not right to have expiration dates on our Stamps. Our stamp is the symbol of qualification and of an active practice and professional career. NBA 2016-2017 budget shows that income from Stamps was ₦159,000,000.00 and the expenditure was ₦154,000,000.00. The 2017-2018 budget proposed an income of ₦191,000,000.00 for the Stamps, and an expenditure of ₦181,000,000.00.

The Bar gains little or nothing. We only empower printers. We shall no more impose fees for stamps. It shall be free, and it would be a Digital Stamp.

The Stamp project was not conceived as a means of financial profit for the Association. It has become a “Cocoa Farm” for Printers. With Technology in the Practice of Law, the printed Stamp shall be abolished and Digital Stamp introduced and used, FREE of any charge, and without an expiration date.

Antecedents & Experience:

*I was a **Member**, NBA Practicing Fee, Stamp and Seal Committee, 2003- 2004 when Mrs Funke Adekoya, SAN was its Chairman. I wrote the Rule on stamp and seal in the Rules of Professional Conduct in 2007.*

CONTINUING LEGAL EDUCATION

With a focus on Improvement in the Standard of Legal Services and opening greater frontiers and opportunities for legal work and employment including competing very strongly at a global level, the administration commits to:

Re-activating, re-establishing and reinstating, in a sustainable manner, the **INSTITUTE OF CONTINUING LEGAL EDUCATION (ICLE)**;

Actively and effectively conduct Continuing Legal Education in a more interactive manner using face-to-face workshops and online platforms;

Encouraging and supporting localization of Continuing Legal Education at Branch levels, Sections/Forums, Institutions/Organisations, and Private Service Providers to reduce costs.

Antecedents & Experience:

*I set up the Institute of Continuing Legal Education in 2007 under the impetus of NBA President Olisa Agbakoba SAN and Gen Sec Lawal-Rabana SAN. I was its Director for about 3 years. I wrote the CLE Rules and Guidelines that was approved by the Bar. No other Rule or Guideline exists to date. I hired the staff including its first and only ICT staff and we conducted many active CLE programmes across the Country. The programme failed the moment I ceased to be its Director from 2010; **Member** Body of Senior Advocates of Nigeria (**BOSAN**) Continuing Legal Education Committee. I conducted or presented at over 250 conferences and workshops in Nigeria and internationally.*

LEGAL EDUCATION

The Goal of the administration will be the training of new lawyers that are knowledgeable, competent and conscious of social justice, ethics and values. This is a sure path to set a new bar. It will immediately lead to improvement in the standard of legal services and opening greater frontiers and opportunities for legal work and employment including competing very strongly at a global level. To this end, we shall:

Develop the **NBA BLUEPRINT ON LEGAL EDUCATION** and make our universities and the Law School train students as potential lawyers on what we want and how we want them trained. The blueprint shall include **OUR GOAL** for legal education and it must be interdisciplinary, combining liberal arts and vocational training approach that integrates knowledge, skills and value competencies with a heavy dose of experiential learning. The teaching methodology must be outcomes based and learner centred and very active;

Focus shall be on **Reforming, Transforming and Monitoring legal education** from the Universities to the Nigerian Law School. This is the panacea for addressing the poor legal training especially at the foundation level, which is a major reason for unemployment or underemployment of lawyers, indiscipline in the legal profession and lack of access to justice by the people;

Ensure that the NBA Blueprint on Legal Education is reflected in the **NEW BACHELOR OF LAWS (LLB) CURRICULUM AND BENCHMARKS STATEMENTS**, proposed to go into force in October 2018, and continue to monitor the curriculum review and implementation;

Drive and support a review of the **CURRICULUM OF THE NIGERIAN LAW SCHOOL** to move strongly to a **vocational training** away from its present **contents-driven training**. The Bar will no longer accept **STADIUM EDUCATION** at the Nigerian Law School;

Establish and implement STRINGENT ACCREDITATION rules;

Establish a regime of complete oversight over the actions of the National Universities (NUC), Council of Legal Education (CLE), Nigerian Law School (NLS), and Faculties of Law relating to legal education;

Have a complete oversight of the Law Faculties on the treatment of Law Students on ethics and discipline of students and staff, including sexual molestation and other forms of abuse and exploitation of students. For that purpose, there shall be a **PROFESSIONALLY MANNED ACTIVE COMPLAINTS/HELP DESK/LINE/IT LINK** at the NBA offices;

Set up a professionally manned **LEGAL EDUCATION UNIT**;

Establish a **LEGAL EDUCATION TRUST FUND** for the purposes of special legal education interventions. This would be the implementation of the resolution of the Bar Summit on Legal Education that was approved by NEC in 2006 under the Presidency of Lanke Odogiyen Esq;

Ensure the active participation of Law teachers in the activities of the NBA. The **Nigeria Association of Law Teachers (NALT)** shall be made an active NBA partner and supported by the Bar. Law teachers hold the key to the reform and transformation of the legal profession. Every Lawyer and Judge or Justice in Nigeria was taught by a Law Teacher. They would be given their deserved pride of place in the scheme of the profession;

Re-activate the **NBA ACADEMIC FORUM**. I was pioneer Chairman of the NBA Academic Forum;

Demand a very high standard of professionalism, discipline and commitment from our Law Teachers. The revised Rules of Professional Conduct shall, therefore, have specific provisions that relate to Law Teachers;

Set up a strong **MENTORING** and **CAREER** path programmes for **Law Students** in the Universities and Law School through active extra-curricular activities and law students' competitions. The Nigerian Bar Association must reverse the neglect of law students and begin to show active presence in the life of law students;

Sustain and expand the CLIENT INTERVIEWING & COUNSELLING SKILLS Competition, which has been running in all Nigerian Universities for the past 13 years. The power of competitions is so great for the development of a professional. Unfortunately, NBA does not have a single ongoing competition for law students.

Antecedents & Experience:

(a) Law Teacher at the University- **15 years**

(b) Dean of Faculty of Law- **5 years** (1995-2000)

(c) DDG & Head of Nig Law Sch Enugu & Head Quality Assurance- **13 years**

(d) Chairman NBA Legal Education (2002-2004, 2006-2008)

(d) Chairman, NBA Academic Forum (2006-2010 & 2012-2014)

(e) Alternative Chairman, NBA Summit on the Future of Legal Education in Nigeria 2006;

(f) Secretary, National Committee on the reform of Legal Education in Nigeria, May 2006 to February 2007

(g) I led the design of the **1st curriculum for the Nigerian Law School** introduced in 2008 & led the design of the 1st Externship (attachment) handbooks for law students and law firm supervisors.

(h) **President** Network of University Legal Aid Institutions (**NULAI**) Nigeria. I am a lead pioneer of **CLINICAL LEGAL EDUCATION** in Nigeria and have been described as the father of clinical legal education in Nigeria. I am co-author of two international books on clinical legal education- **The Global Clinical Movement- Educating Lawyers for Social Justice** (Oxford University Press) edited by Frank S. Bloch; and (2) **Rethinking Legal Education Under the Civil and Common Law: A Road Map for Constructive Change**, (Routledge) edited by Richard Grimes;

(i) NUC has just released a draft benchmarks statements and minimum standard (which includes a new curriculum) for LLB in Nigeria. I wrote the objectives for this draft. I am working right now for NUC to include the Bar's goals for legal education in the Benchmarks Statements. It would come into force by October 2018. I am not waiting to become President of the Bar to drive the change we all have been yearning for. I am already on top of the job for the legal profession.

(j) Appointed Associate Professor 1998 and Professor of Law 2014.

DIGITAL LAW LIBRARY

Establish a dynamic Digital Law Library. We shall host a professionally managed free and open source database, for the benefit of members, of all Federal and States Legislation, Rules, Bye-laws, public institutions' rules and other Instruments, and Law Reports from appellate and trial Courts.

PROFESSIONAL AND EDUCATIONAL PUBLICATIONS

To assist in the capacity building, and professional output of our Members:

The Nigerian Bar Journal shall be reactivated as a more dynamic publication of international standard.

We shall also drive the publication of many other specialized Journals, which journals shall be distributed free and accessible online for all members that pay their Bar Practice Fee.

Antecedents & Experience:

I resuscitated the Nigerian Bar Journal as its Editor in January 2003 and was its Editor-in-Chief under the tenures of President Wole Olanipekun SAN (2002-04) and Dr Olisa Agbakoba SAN (2006-2008) when we published ten (10) editions. I have also edited and managed many other professional journals and professional newsletters. It is sad that NBA has not been able to publish a standard and regular journal for many years now.

LAW OFFICERS ASSOCIATION OF NIGERIA (LOAN)

The Bar has not supported its members who work in the Ministry of Justice and other public institutions. The new administration shall:

Fight for better emoluments and welfare for our members in the public service, especially the Law Officers Association of Nigeria (LOAN), particularly as we expect so much from them in the fight against corruption. Law Officers are at the heart of administration of justice in the country and no kind of reform of the justice sector will take root unless we make law officers' interests, welfare, rights, standard, competence, commitment and role a priority in our scheme of challenges in Nigeria;

Remove the dichotomy and discrimination existing between our Law Officers and the private bar, so that our Law Officers can exercise their full rights of membership;

Work in partnership and provide for the activities of LOAN, especially on capacity building and welfare;

Create an active Law Officers Forum.

Antecedents & Experience:

I have spoken publicly in support of LOAN for the past 3 years. It is now time for me to do what I have been preaching. And I will. I also submitted a memorandum on behalf of Law Officers to the NBA Yusuf Alli SAN Committee on the Review of NBA Constitution.

OUR WOMEN’S FORUM

Our Ladies have not been treated fairly especially those in private employment and public offices. Though there has been substantial recognition of women as Magistrates and Judges, the majority of women have been discriminated against, not given opportunities like their male counterparts in the governance of the Bar and many have been molested and sexually harassed in some private law firms and other private and public employment.

The Administration shall reverse this trend. We shall embark on a re-orientation to ensure that we recognise that there are ladies at the Bar and drop the wrong notion we inherited that there are no ladies at the bar and bench;

We shall encourage and give equal opportunities to women for growth in the profession and in the governance and representation in the Association;

The **NBA WOMEN’S FORUM** shall be reactivated;

Our New Rules of Professional Conduct shall address the subject of sexual harassment and molestation at law offices and legal departments of organisations and agencies;

A professional responsive help/support desk/unit/link shall be set up and maintained at NBA offices.

INTERNATIONAL RELATIONS

There shall be active partnerships and collaboration with international organisations and agencies to assist our members with opportunities for capacity building and work opportunities

B. DISCIPLINE, ETHICS AND CORRUPTION

A survey report published in January 2018 of top ethical issues Nigerian Lawyers want to be tackled by the Bar named the following out of 45 ethical challenges:

Bribery of Judges; delay tactics in court/using litigation as an instrument of delay/delayed trials/file frivolous applications to delay trials or executions or proceedings; Bribery of court personnel for processes; Lawyers’ active role in disobeying court orders/blocking enforcement of orders and judgments; and

rudeness to other colleagues/Impolite attitude. See <http://ernestojukwu.com/response-of-nigerian-lawyers-on-top-ethical-issues-they-want-tackled-in-the-legal-profession-by-prof-ernest-ojukwu-san/>

Corruption within the legal profession has created deep distrust in our citizens and the casualty is the lawyers' job. We shall fight indiscipline and corruption in the Bar. We shall not allow corrupt and undisciplined lawyers to continue to thrive. There would be no hiding place for them no matter how highly placed.

We shall focus on raising ethics standards at the highest level. It is only by house cleaning shall we be able to legitimately deal with the cankerworm in the larger nation.

Some of the actions the Administration shall take include:

Pursue with vigour the enactment of the Legal Services Commission Bill pending in the National Assembly in order to give a stronger impetus to our disciplinary process. Under this bill, the disciplinary process has been taken away from the Association and placed in the hands of an independent organ whose tenure and autonomy shall not be affected by changes in the leadership of the NBA;

Conduct very vigorous investigations relating to discipline;

Pursue with vigour the reform of our law to permit the establishment of ad-hoc multi-disciplinary committees sitting at different locations of the country at the same time;

In the interim, we shall reactivate NBA Zonal investigation committees populated by only persons of impeccable character and integrity and those committed to helping to achieve the goal of "Setting a new Bar" in the finest traditions;

Getting the Bar Council to enact a new Rules of Professional Conduct before the end of the last quarter of 2018;

Present an NBA ethics education blueprint and curriculum and insist that ethics education be made compulsory in our LLB education;

Conduct ethics training workshops for Nigerian law teachers;

Reactivate the Institute of Continuing Legal Education which I set up for the Bar in 2007. The ICLE Rules of 29th June 2008 makes ethics and professional responsibility, 4-credits CLE in a reporting period. We shall conduct free ethics workshops for members;

We shall make our anti-corruption Commission come alive;

Organise ethics based competitions for young lawyers and for law students;

Actively and progressively focus on the corruption in Court registries and on the bench;

Activate a strong and sustainable Court Monitoring Programme;

The Bar shall observe with active programmes December 9th of every year as anti-corruption day in line with international declarations;

We shall encourage and support network of lawyers and other civil society groups on anti-corruption and work for anti-corruption in the Nation's life but we shall start vigorously with our profession.

Antecedents & Experience:

- (a) *I recently conducted a survey among lawyers on top ethical issues they want to be eradicated in the legal profession. See <http://ernestojukwu.com/response-of-nigerian-lawyers-on-top-ethical-issues-they-want-tackled-in-the-legal-profession-by-prof-ernest-ujukwu-san/>.*
- (b) *I was **Sole Member**, NBA Sub Committee-Y to Investigate Complaints Against Legal Practitioners, 1999 during the tenure of Chief TJO Okpoko SAN as president.*
- (c) *I wrote the Rules of Professional Conduct 2007 (with the oversight of President Agbakoba SAN and Gen Sec Lawal-Rabana SAN) based on an earlier draft of late Justice Orojo. Yemi Candide-Johnson's Committee produced new Rules of Conduct in 2012 under the tenure of JB Daudu SAN. I conducted a validation workshop on it in 2013 at the NBA Annual Conference in 2013 at Calabar and updated it. I am right now further updating that draft so that we go into action with it (in consultation with members) as soon as I am inaugurated as President.*
- (d) *During my tenure as Director of NBA ICLE, we conducted many NBA Ethics Workshops between 2007 and 2010.*
- (e) *In 2013 I proposed in writing an action plan for the introduction of ethics as a mandatory subject in the LLB programme but the Bar did not implement it. I have since produced a curriculum on ethics for the LLB programme and it has now been deployed on a pilot basis in two Nigerian Law Faculties in the last one year.*
- (f) *I designed the current Nigerian Law School curriculum on ethics.*
- (g) *I am presently pursuing the inclusion of an ethics curriculum and benchmarks statements of the NUC that is proposed to come into use in October 2018.*
- (h) *As NBA President I will get a better opportunity and platform to pursue the entrenchment of ethics education as part of our professional development. There is no better opportunity for the Bar than now. Ethical lawyers are not born, they are made.*

C. GOVERNANCE

NBA has shown a very bad example for democracy and members have been intimidated, cowed and held hostage in the past and the growth of the association stunted by the enthroned culture of dictatorship, impunity and abuse of power. NBA so far means THE PRESIDENT. We shall reverse this trend and focus on building a very strong NBA Institution and its organs. We shall **SET A NEW BAR** in governance – **on the bases of democracy, full and equal participation, openness, transparency and accountability.**

OUR SUSTAINABILITY AND REPRESENTATIVE ROLE shall focus on:

Strong advocacy to enact the Legal Profession Regulation Bill; The Act transfers the regulatory functions of the Bar to the LPR Council of Nigeria. NBA will then carry on its representative roles. This is the surest way to the sustainability of professionalism within the profession;

Creation and development of a strong professional cadre for the secretariat guaranteed of job security and dignity;

Managing an open, transparent, democratic and accountable leadership based on:

- Prudent management of funds;
- All expenditure must be based on the approved budget;
- The budget must be published openly on our websites in advance of approval;
- Maintenance of professional records of accounts;
- Timely professional auditing of accounts;

- Timely publication and wide circulation of statements of account on NBA website and through other media for every member to have access to it;
- Publication (using website and other media) of all proposals and issues for decision making in advance for all members' attention;
- Creating wide opportunities for consultations, robust discussions and debates of issues;
- Discouraging sycophancy and hero-worshipping of the NBA President;
- Maintaining the principle of universal and fair elections at all levels – National, branches and other organs of the Association,

Promoting full and all-inclusive and equal participation in the association focusing on the following:

- Give Young lawyers and female members more equitable opportunities and platform in the decision making organs of the Association;
- Remove the dichotomy between city and rural branches;
- Give all branches and members equal opportunities to serve on committees and other representative roles of the association;
- Support programmes and activities of branches;
- I shall personally attend meetings of as many branches as possible especially the smaller branches and other elected officers would also be assigned by me to attend branch meetings. This will enable us to understand and focus on our needs in an all-inclusive way;
- Pay branches their part of practice fee timely;
- Allow Branches their autonomy while maintaining strong disciplinary and accounting oversight. We shall not allow one oiled finger to spoil the rest of our fingers;
- All our sections and forums shall have their autonomy in line with the vision when we created opportunities for sections and forums. However, we will ensure that they follow the vision of openness, transparency, democracy and accountability;
- NBA Trustees shall play their constitutional and legal roles;
- The Institute of Continuing Legal Education shall be reactivated. It would be made strong as an institute in line with the original vision. It is not a committee. It is not a forum. It is not a section. It is an institute and it will play its role;
- The Human Rights Institute shall be reactivated. It would be made strong as the Human Rights Institute, in line with its original vision. It is not a section or Forum or a Committee. It is the NBA Human Rights Institute;
- Reactivate and support all existing Forums like – **LAWYERS IN THE MEDIA, MILITARY FORUM, WOMENS FORUM, ACADEMIC FORUM, YOUNG LAWYERS FORUM**. More forums will be chartered as the need arises;
- **FIDA Nigeria** is an organisation that has played an enormous role in advancing human rights and social justice. The Bar has not supported **FIDA** actively. We shall make FIDA an active partner and support her in her work in Nigeria and reactivate the **WOMENS FORUM** for governance.

Provide a sustainable STRATEGIC ACTION PLAN for the Bar.

We have had some strategic action plan for the Bar in 2008, 2010, 2012 and 2016. I actually wrote the 2012 Strategic Action Plan as Chairman of the Committee. All these strategic action plans failed because they were not members' plan. Members and even elected officers of the Bar in those tenures did not know about the plans. I shall adopt a plan that is approved by members and given wide publicity so members will have ownership of the plan. Only by giving members ownership of the plan shall we be able to have an honest evaluation of the plan which will be the basis of any adjustment during implementation by the successive leadership of the bar. We cannot afford to continue to be plan less.

Antecedents & Experience:

- (a) *I have been tested in public service and governance and I did not fail. In all my roles I left a selfless landmark for the legal profession. I also accounted without blemish. I was Secretary, NBA Aba Branch (1992-1993); As **Secretary NBA Aba Branch**, I set up the first Secretariat/Bar Centre for the Branch in 1992 and employed the first full-time staff for the Bar;*
- (b) *Chairman, NBA Aba Branch (1997-1999);*
- (c) *Founder, Pioneer Chairman, NBA Eastern Bar Forum (2004-2011);*
- (d) *Member, Executive Committee NBA Aba Branch (1992- 2015);*
*Member, National Executive Committee of the NBA. (1992-2014; 2016-present); As a **Member of NBA NEC** in 2003, I Proposed a resolution dated 3rd November 2003 for NBA NEC to “direct the General Secretary NBA to publish on or before the 31st day of December 2003 the list of co-opted members of NEC and Branch representatives in accordance with section 9(a)(iv) and (v) of the NBA Constitution.”;*
*As a **Member of NBA NEC** in 2003, I Proposed a resolution dated 26th November 3003 “that NEC issues a Financial Regulation for the operation of the finances of the NBA.”*
- (e) *Chairman/Leader of several Committees of the NBA including Pioneer/Project Director NBA Institute of Continuing Legal Education, 2006-2010,*
- (f) *Alternate Chairman NBA Annual Conference 2003;*
- (g) *Dean, Faculty of Law, Abia State University 1995-2000;*
- (h) *Deputy Director-General & Head of Campus, Nigerian Law School, Enugu Campus 2001-2013.*
- (i) *I wrote as Chairman the **Strategic Action Plan of 2012** for the Bar.*
- (j) ***On inclusiveness and equal participation I sent a memo to the NBA Yusuf Ali Committee on Constitutional reform on the following:***
“Remove the impediments against our colleagues in the Public Service- the Law officers so that they can be elected as officers of the Association. They pay practice fee and pay branch dues. They should be treated equally;
Allow good representation of Young Lawyers in the NBA NEC. Take a look at the composition of the NBA National Executive Committee (NEC)... 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 the exclusive membership of NEC, no single position is exclusively reserved for young lawyers. The future Constitution should address this anomaly. At the branch level, there is also no exclusive and affirmative provision for young lawyers’ representation.”

D. RULE OF LAW

The NBA’s motto is “**Promoting the Rule of Law**”. However, out of the 14 objectives of the NBA Constitution, the Rule of Law is No. 11. No wonder that there are no real NBA actions on Rule of Law other than introspective talk shows at conferences. Right now, we are facing a growing trend on disobedience of court orders and judgments by various organs and institutions of government, rampant and prolonged detentions of citizens by law enforcement agencies across the country without due process, intimidation of the courts and citizens, extrajudicial killings by state agencies, and molestation, intimidation, detention and harassment of lawyers in the line of duty.

The Administration shall make the promotion, protection and advancement of the Rule of Law our priority and take the following actions:

INDEPENDENCE OF THE LEGAL PROFESSION AND THE JUDICIARY

PRESERVING THE INDEPENDENCE OF THE LEGAL PROFESSION AND THE JUDICIARY shall be a priority and the administration shall:

We shall use all legitimate means to engage governments and their agencies at all levels to preserve the independence of the judiciary and the legal profession. This will be done through any legitimate and lawful means. We shall confront the scourge frontally and radically bearing in mind the **core characteristics** and **dimensions** of judicial independence. The core characteristics are: **Appointment and Security of tenure;**

Fiscal Autonomy; and administrative autonomy while the dimensions are **institutional and personal independence**.

For the legitimate **PROTECTION OF THE JUDICIARY**, we shall first drive the judiciary to self-cleanse by getting them to reset their governance mechanism and appointment of judges at all levels to be open, transparent, and accountable to the public;

The judiciary must release to the public their financial guidelines and they have to apply the guidelines;

The judiciary has to apply the Freedom of Information Act on itself;

The administration shall:

- Conduct a very strong sustainable court monitoring programme.
- Check the menace of bribery and corruption in our court registries. Our starting point shall be partnership meetings and discussions, and agreeing and publication of ground rules. The next steps shall be confrontational;
- Engage the leadership of the judiciary to address issues of personal independence including removing all known opportunities for corruption at all levels of the judiciary since corruption is also a crime of opportunity;
- Take all legitimate steps to ensure the sustenance of judiciary's institutional, administrative and fiscal autonomy at all levels - federal and state.

FOR THE BAR, the Administration shall begin with friendly engagements such as –

- Meetings with the highest commands of all law enforcement and security agencies;
- Agreeing and signing MOUs on Rules of Engagements of lawyers at Police Stations and other places where clients are held or questioned or detained;
- Insisting on strict adherence to the provisions of Administration of Criminal Justice Act (Irrespective of location – State or Federal Territory);
- Supporting the training and continuing training of law enforcement personnel on human rights, rule of law and ethics;
- Developing and advocating the use of modern model human rights curriculum and outcomes based teaching methods in all security agencies' training institutions such as the Police College, Police University, Army College, Nigerian Defence Academy etc;
- Beyond friendly engagements, we shall if need be, pursue other legitimate processes such as massive litigation, and other strong public advocacy confrontation strategies. We shall not hold back.

HOLDING GOVERNMENT/AGENCIES ACCOUNTABLE

The Administration shall be:

Strongly advocating the enactment of a law/constitutional amendment to make the breach of human rights by virtue of public office a crime and the disobedience of court order/judgment a high crime;

Strongly advocating the amendment of all agencies/public service rule/laws to make a breach of fundamental rights and disobedience to court orders a ground for dismissal from office;

Use all legal advocacy strategies to ensure that public office holders and their agencies (which includes all law enforcement personnel and agencies) are held accountable for human rights abuse and disobedience of court orders and judgments.

The PUBLIC INTEREST programmes shall work vigorously to:

Increase meaningful access to justice, and protection of human rights and fundamental freedoms by –

- Engaging in public understanding of and respect for the rule of law and the legal process through community outreaches, street law, law clinics, media campaigns, and advertisements;

- Public interest advocacy and litigations;
- Interfacing and partnerships with civil society organizations and NGOs;
- Focusing on social justice concerns such as peaceful coexistence, environmental degradation, child abuse and child rights, prison decongestion, human trafficking, sexual violence, sexual abuse in tertiary institutions, and abuse of students' rights;
- Activating a very strong pro bono unit at the NBA Secretariat, offices and branches;
- Inspiring a culture of pro bono, public service and social justice among members;
- Instituting social justice/human rights projects-based competition prizes for lawyers.
- Instituting social justice/human rights projects-based competition for law students.
- Supporting **SPIDEL** as a very active Section of the Association
- Creating and supporting a Forum for all lawyers who are engaged in governance and human rights NGOs and Projects;
- As leader of the Association, **I WILL SPEAK OUT PROMPTLY ON ISSUES OF NATIONAL INTEREST**. To speak for the bar effectively the leader must be honest, genuine and courageous. I will be honest and genuine.

Antecedents & Experience:

- (a) *On Courage to speak out for the Bar, I have gone public with my views in the past on issues of National interest.*
- (b) *I have also spoken out to the NBA leadership.*
- (c) *I spoke out against the DSS raid on judges on Thisday in 2016 titled “DSS Raid on Judges: A Path to Hell”;*
- (d) *I have spoken out against police molestation and harassment of lawyers doing their professional duties*
- (e) *Against high cost of conference fee;*
- (f) *On the appointment of incompetent persons to the Bench;*
- (g) *On discipline of judges;*
- (h) *On disobedience of court orders and judgments, etc. They are all in the public domain*

MY PLEDGE FOR THE FUTURE BAR:

MY PLEDGE FOR THE FUTURE BAR

I am going to **SET A NEW BAR** for a **RELEVANT NBA** based on our core values and objectives that we set out many years ago. I will lead by the principles we adopted at the Bauchi NEC meeting of November 2006, thus: to be at the vanguard for the promotion and defence of the Rule of Law, Good Governance, Social Justice and the Dignity of all persons; to rank among the foremost Bar Associations in the world; to use the Law As An Instrument For Social Change; lead with integrity, excellence, professionalism; and to be courageous, assertive, independent, and a Leader not a Ruler

Dated this 29th Day of June 2018

Prof Ernest Ojukwu, SAN