



# **NBA ELECTIONS 2020:**

**MANIFESTO OF OLUMIDE AKPATA FOR  
THE OFFICE OF THE PRESIDENT**

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## MAKING THE BAR WORK FOR ALL

### My Leadership Programme of Action for the Nigerian Bar Association

*'Never doubt that a small group of thoughtful, committed people can change the world; indeed, it's the only thing that ever has' – Margaret Mead.*

#### INTRODUCTION

Distinguished learned colleagues,

After very extensive consultations, I, **Olumide Akpata**, hereby humbly present myself as a candidate for the office of the President of the Nigerian Bar Association (“**NBA**” or the “**Association**”).

The challenge of our generation is that of fixing a broken society that has in many instances been disappointed by its leadership. It is that generational challenge, amongst other things, that my quest to lead the NBA for the next two years seeks to address. Together, we can build a progressive and prosperous NBA that will provide the illumination that our profession and country so desperately need at this time. I come to you with the philosophy, hope, will and determination to make things better.

My life as a lawyer has been dedicated to the service of the NBA, championing capacity development and welfare related issues amongst lawyers, creating avenues for others to thrive, the service of my clients and service to the community. It is therefore with immense respect for you, a deep understanding of the value of your mandate and the appreciation of the factors that have plagued our noble Association over the years, that I make myself available to serve you and our profession in this capacity.

In accordance with the eligibility requirements of the NBA Constitution 2015 (as amended) (“**NBA Constitution**”), I am a full member of the NBA; I am in private legal practice; I was called to the Nigerian Bar in 1993 and therefore fulfil the post enrolment requirement; I have been in the National Executive Committee of the NBA (NBA-NEC) for the past six years; and I am from the western geographical zone to which the NBA Constitution has zoned the office of the President from August 2020 to August 2022. I have also been cleared by the Electoral Committee of the NBA and I am therefore eligible to contest and serve the NBA in this capacity.

## Core Pillars of My Agenda for the NBA

In addition to faithfully performing the duties assigned to the office of the President of the NBA by the NBA Constitution and complying with the general spirit and letters of the NBA Constitution, the core of my mission is to lead the NBA towards the full attainment of the Association's aims and objectives as stipulated in section 3 of the NBA Constitution.

I believe that the NBA is currently punching below its weight. Indeed, there is a widespread sentiment within the profession that the NBA is grossly lacking in utilitarian value and that many lawyers have remained members of the Association simply out of compulsion. This should not be. I am confident that I possess the tools to lay a solid foundation for a Bar that works for the interests of all segments of the profession. Therefore, the promises that I make in this manifesto are focused on how to achieve the aims and objectives of our Association such that it adds value to all its members and the wider society. These promises recognise the diversity of the membership of the NBA and the fact that all real development must be locally driven.

My aim is to ensure that the actions of the NBA at the national level positively affect all the members of the NBA, no matter the Branch that they belong to and no matter their station or status in the profession. I undertake to visit as many Branches of the NBA as possible during my tenure and where not possible, to interface with members through technology or other means to ensure that effective consultation occurs and also that members are carried along in all that we do. The Sections, Fora and all segments of our profession will be carried along as we all journey towards a new direction for our Bar.

I must note that my plans for the NBA as outlined below are enormous and would require complete attention, dedication and commitment to achieve. For this reason, I have obtained the permission of my colleagues and partners that, if elected President, I will proceed on a 24-month sabbatical from my law practice to focus on delivering on my plans for the NBA. At a critical time like this when the Association is in dire need of complete repositioning, anything short of extreme focus, single-mindedness, full commitment and dedication to the NBA would be less than ideal. However, it is my desire that on account of the structural, governance and institutional changes that I propose to implement while in office, subsequent Presidents and General Secretaries of the Association will not have to take as much time away from their practices to run the Association as leadership of the Bar and law practice ought not to be mutually exclusive.

## Vision

My vision for the NBA - **Making the Bar Work for All**

## Mission

My mission for the NBA is to **REPOSITION** our Association to serve the overall interest of its members in particular, and the Nigerian populace in general.

To achieve this, I have developed a **Four Way Approach to Transformational Leadership** as follows:

1. **The Bar and Its Members**
2. **The Bar and the Society**
3. **The Bar as an Institution**
4. **The Future of the Bar**

Highlights of each approach are set out in the Table of Contents and details of each approach are set out in the body of this manifesto.



### 3. THE BAR AND ITS MEMBERS

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#### Welfare of the Members

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The promotion of the welfare of Nigerian lawyers is the *raison d'être* of the NBA. It is my belief that while the Bar should remain a watchdog in the society, it must not do so to the neglect of the welfare of its members. As part of the core mandate of my administration, the NBA will use its best endeavours to ensure that, among other things, its members earn decent wages, have better working conditions, have access to finance to set up or fund their law practice, and enjoy improved access to healthcare under a workable insurance scheme



#### Welfare Fund for NBA Branches

My administration shall ensure **that** the refund to Branches of 10% of the Bar Practising Fees (“BPF”) attributed to each Branch shall be paid promptly and, in any case, in April of every year during my tenure. In the course of my interactions with different Branches across the country, I have been made to understand that the inability of the Branches to promptly receive such remittances has adversely affected their ability to execute some of their plans for their members.

Furthermore, realising the critical role that the Branches play as the last mile interface with the members, **with the approval of the NBA-NEC we shall reintroduce the payment of an additional 10% of the total sum of BPF to each Branch as Welfare contribution from the NBA.** These funds will be paid into the Branches’ welfare accounts and will be used strictly to promote the welfare of members at the Branch levels, in line with proposals on

welfare submitted by the Branch leadership to the National Secretariat.



#### Remuneration of Lawyers

The question of the working conditions of lawyers especially the remuneration of legal practitioners in private practice is undoubtedly one of the most controversial issues for an NBA President to tackle. A number of our colleagues who are not in private practice also suffer a similar fate as they are poorly remunerated by their employers relative to their other professional counterparts who occupy the same rank or position as them.

Shorn of all pretences, the remuneration of legal practitioners is purely a contractual issue between the lawyer and his employer, and the NBA as presently constituted lacks the powers to determine or police that. That being said, a good number of lawyers work without any formal employment contract. Thus, leaving them at the mercy of their employers. In some cases, the paltriness of the remuneration that our lawyers receive is a function of the inability of their employers to do better given the revenue base of their law firms. In many other cases, however, this practice is simply and squarely unjustified. The shocking realisation is that there are thousands of lawyers who pay their drivers and domestic staff more than they pay legal practitioners in their employ. Such poor treatment of lawyers by other lawyers has made the legal profession in Nigeria a laughingstock and the NBA can no longer afford to fold its hands.

In the course of my consultations, I have been made aware of the existence of pockets of discussions and summits on the vexed issue of

lawyers' remuneration. I pledge that my administration shall give institutional backing to these discussions with a view to devising feasible ways to improve the lot of our members.

Although section 15 of the LPA creates a Legal Practitioners Remuneration Committee, the Committee is headed by the Attorney-General of the Federation and the President of the NBA is only a member of the Committee. Further, the Committee's business primarily focuses on the fees chargeable by lawyers to clients as opposed to the remuneration of legal practitioners in employment. My administration will push for an amendment of the LPA to, among other things, expand the powers of that Committee to include the determination of the indices to be adopted in determining the remuneration of lawyers in employment, a periodic review of those indices to match economic realities over time, and to statutorily mandate the Committee to meet more regularly to deliberate on these critical issues.

Whilst the advocacy for the amendment of the LPA will be ongoing, my administration will, as an interim measure, establish (within one month of my inauguration) a distinct NBA Remuneration Committee to devise feasible ways to improve the poor remuneration of legal practitioners and also make recommendations to the NBA President for onward representation to the Legal Practitioners Remuneration Committee established under the LPA.

At the very least, the NBA Remuneration Committee will carry out an empirical study of the cost of living (with focus on feeding, transportation, and housing) in various parts of the country **in order to propose a 'living**

**wage' for lawyers in each part of the country and such identified living wage shall be recommended to members by the NBA.** My mandate to the Committee shall, *inter alia*, include considering the possibility of recommending alternative business models that would suggest working arrangements that could enhance income, e.g. commission-based employment, part time work arrangements, partnerships and other types of contractual working arrangements that take account of the amount actually earned by the employee lawyer.

Overall, we will institutionalise the recommendations of the NBA as a standard for our members to adopt and ensure that compliance with these standards would be one of the key indices that a member would need to satisfy to be entitled to certain **privileges** bestowed or conferred by the NBA on its members.

While these measures are ongoing, we will continue to work on other initiatives that will in the mid to long term increase the earning capacity of lawyers and law firms to enable them to provide better remuneration packages for their employees in line with the recommended living wage or even better. Such initiatives (many of which are dealt with in other parts of this manifesto) include:

- (a) implementing policies around standardisation of the lawyers' fees and charges;
- (b) modifying and enforcing extant rules on scale of charges so as to reduce undercutting amongst lawyers;
- (c) protecting our legal market from external interference and preserving the work

of lawyers from other professionals and service providers;

(d) deepening our market for legal services by expanding the practice areas of lawyers so that lawyers do not necessarily compete for work in limited areas of practice;

(e) creating sufficient platforms for lawyers to continuously network and interact with potential clients to generate more businesses and instructions; and

(f) building capacity of lawyers in new and diverse areas of practice.

Introducing, implementing and sustaining each of these measures will, over time, improve the earning capacity of lawyers and law firms and ultimately have a direct effect on the remuneration of lawyers.



### Standardisation of Fees and Charges

One major argument against the introduction of a uniform remuneration scale for legal practitioners in private practice is the disparity in earning power especially between lawyers in such commercial centres like Lagos and those in other parts of the country. While this is true, one simple idea that can greatly contribute to bridging the disparity is the standardisation of lawyers' fees/charges.

It is common knowledge that the provisions of the Rules of Professional Conduct 2007 ("RPC"), which prohibit charging low fees that amount to undercutting, are hardly obeyed in practice. Indeed, many lawyers, both young and old, charge ridiculously less than the

minimum fees specified by the Legal Practitioners (Remuneration for Legal Documentation and Other Land Matters) Order, 1991 even in cases of real property valued in tens or hundreds of millions and we have unwittingly yielded the stronger bargaining power to the clients in the sense that the clients know that where one lawyer takes a principled stand and refuses the ridiculously low fees offered, there are other lawyers/law firms who are happy to accept same. This has gone on for way too long and we cannot continue to short-change ourselves.

Thankfully there are simple but effective ways to tackle the practice of undercutting, and all that is required is the political will to implement them. The NBA Remuneration Committee will be tasked with recommending measures that would deter lawyers from carrying on with this practice and the NBA under my administration will implement such measures. We have seen such measures implemented seamlessly by other professionals and we can certainly take some lessons from them.

In the same way that the NBA administration in 2014-2016 successfully implemented the Stamp and Seal policy which had been provided for in the RPC since 2007, my administration will implement the scale of charges for lawyers' fees in accordance with the LPA and the RPC. To do so however, the support of the majority or generality of legal practitioners will be needed.

To activate this agenda, one of my first tasks as President of the NBA will be to table before the Legal Practitioners Remuneration Committee, on the recommendation of the NBA Remuneration Committee that I will establish,



## Expanding and Deepening the Legal Services Market

a request for the drafting of an updated Legal Practitioners (Remuneration for Legal Documentation and Other Land Matters) Order to reflect current economic realities. Besides updating the said Order to reflect current economic realities, we will also be proposing that the Order should be amended to cover a variety of other legal services that lawyers offer, since the Order currently covers only legal documentation and land matters. Updating the Order to be in tune with modern practice, enforcing the requirements of the updated Order and implementing other recommendations of the NBA Remuneration Committee will be key steps in ensuring standardisation of lawyers' fees and charges.

The NBA under my leadership will also create the needed publicity for clients and the general populace to know that there are minimum fees fixed by law for certain legal services e.g. the preparation of documents for real property e.g. sale, mortgage or lease of land or building, and that there are consequences for breach of same. This enlightenment and publicity will go a long way in deterring clients who simply want to under-price lawyers for their services. Of course, non-compliance with the minimum standards on the part of the lawyers will be a disciplinary matter. Our overarching objective will be to ensure that lawyers do not earn less than they should from clients for work done.

The NBA under my leadership will also create the needed publicity for clients and the general populace to know that there are minimum fees fixed by law for certain legal services e.g. the preparation of documents for real property e.g. sale, mortgage or lease of land or building, and that there are consequences for breach of same.

My idea of welfare for lawyers, both young and old, does not consist of providing fleeting hand-outs to lawyers. My administration would rather work towards equipping them with modern skills and tools to provide for themselves. The palliative measures introduced at the national and the various branch levels because of the extraordinary circumstances of the COVID-19 induced lockdown were necessary at that time, but ought to be an exception rather than the rule.

I am one of those who strongly disagree with the notion that we have too many lawyers in Nigeria. For a country with the largest economy in Africa and a population that is reportedly about two hundred million people, it cannot be the case that less than two hundred thousand lawyers constitute too many lawyers. Instead, I believe that there are too many lawyers practising the same thing and therefore scrambling for very scarce clients and resources. If the NBA takes its prime position in law reforms and justice sector reforms advocacy to provide a conducive environment for investments, and we implement quality training programmes to equip Nigerian lawyers, especially young lawyers, to foray into more diverse and emerging practice areas, and introduce measures to encourage them in this regard, their options for potential employment and income will necessarily expand.

It is therefore at the core of my mandate for the NBA to expand and deepen the market for legal services in Nigeria and consequentially increase the financial standing of members. While I was Chairman of the NBA Section on Business Law (NBA-SBL), we took proactive

steps in expanding the frontiers of legal practice by creating several additional subject-matter specific committees that were, and remain, actively focused on new areas of legal practice with each committee organising periodic relevant seminars and other capacity building programmes across the country for members, with facilitators drawn from leading international law firms, Nigerian law firms and corporate organisations. The impact of these efforts was immense, and I am convinced that using the larger platform of the NBA even more can be achieved.

On a separate but related note, we shall also advocate the compulsory employment of lawyers as legal advisers in public institutions at all levels of government in Nigeria, where lawyers are not already engaged. This is a simple, but ready, avenue to deepen the market for legal practitioners in Nigeria while freeing up space for those in private legal practice.

### Protecting the Business of Lawyers



The already dire financial situation that many lawyers find themselves in and the poor remuneration of legal practitioners in Nigeria is further exacerbated by the continuous encroachment of the exclusive preserve of the legal practitioners by non-lawyers. For instance, I am aware that some of the leading accounting and consulting firms are already considering ways in which they can begin to offer legal services to their clients as a one-stop shop for all the needs of the clients. Real estate agents have also taken over the work of our property lawyers. Examples of such

encroachment abound. The NBA under my leadership will fight this vigorously.

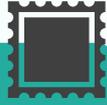
We will adopt a four-pronged approach in solving this. Firstly, we will engage with the affected non-lawyer organisations and bodies and demand that they desist from such practices. For instance, we shall engage with private institutions like banks, consulting firms, property firms, amongst others, to refrain from the practice of encroaching into areas of exclusive preserve of lawyers. Subsequently, the issue will be challenged with test cases to seek judicial pronouncements and orders restraining the organisations from further encroachment if they fail to discontinue the practice.

Secondly, if the first approach does not yield the desired results, we will resort to legislative advocacy for more stringent position on the exclusive preserve of lawyers in those areas. In any event, our engagement will balance the provisions of the extant laws, the job security of our members who are in the employ of the affected organisations and the overall interest of the members of our Association.

Lastly, the NBA under my administration shall set up a Task Force to determine the scope of legal work that is statutorily prescribed to be the exclusive preserve of Nigerian lawyers and to work out modalities for ensuring that only members of our Association get to do such work. Again, while I was Chairman of the NBA-SBL, we set up a similar **Task Force** led by a very senior lawyer to undertake a similar task and the Task Force has been engaging extensively with the Nigerian Content Development and Monitoring Board in this

respect. We expect that more can be done in this respect at the level of the larger Bar.

## Stamp and Seal



While there were certainly glitches in the implementation of the Stamp and Seal policy in the period following its introduction, the consensus appears to be that the policy is a generally positive one for the legal profession. In the course of my consultations, it has also emerged that the arguments against the Stamp and Seal policy, is not about the existence of the policy itself but the cost implications especially for young lawyers, as well as the bottlenecks surrounding its implementation.

The NBA under my leadership will further improve the process of making the Stamp and Seal policy seamless. To achieve this, I have commenced preliminary talks with well experienced service providers on the possibility of digital stamp and seal as well as the prospect of applying for the stamp and seal via electronic means as opposed to the current system of manual application. I expect that we can migrate to the electronic process within six to nine months of my administration. Pending such migration, we will ensure better coordination between the national body and the various branches in the stamp application and issuance process with a view to ensuring that stamps and seals are issued within two to three weeks of receiving a lawyer's application at the National Secretariat.

On the cost implications of the stamp and seal, for the two years of my administration, I commit to the issuance of **a pack (or the electronic equivalent) of 24 NBA Stamps to**

**all verified legal practitioners between 1-5 years post qualification experience, upon payment of practising fees at no extra cost.**

Those who require further copies of the NBA Stamp and Seal will then free to request additional pages or copies at cost to them.

## Health Insurance



As part of my administration's wellness program, we will work on concluding arrangements with a reputable healthcare provider which leveraging the membership strength of the NBA, would enable our members enter an affordable health insurance scheme.

Further, cognisant of the fact that vulnerable members of the Association especially young, unemployed and aged members may find it difficult to subscribe to the proposed health insurance scheme, my administration will seek to set a medical health fund with an initial minimum value of **₦100,000,000.00** in order to help such members subscribe to the scheme. To source funding for this scheme, my administration will set up a medical/health fund mobilisation committee that will raise funds from well-meaning members of the Bar, friendly corporate bodies and local and international donors. This, hopefully, should significantly reduce the increasing cases of lawyers resorting to crowdfunding and other informal contributory schemes for their health needs.

In addition to the above, my administration, working with the leadership of the various branches of the NBA, will seek to establish working relationships with good hospitals

across Nigeria to agree discounts on bills for members of our Association. Such hospitals will be recommended hospitals for our members to access medical services. If elected, working with the NBA-NEC, we will achieve the plan on the issue of health insurance and partnership with hospitals within 4 to 6 12 months of the inauguration of my administration.



## Young Lawyers

Anyone who has followed my activities especially at the Bar will attest to the fact that the NBA Young Lawyer has been a key focus of interest for me. My emergence as NBA President will afford me an opportunity to bring institutional focus to issues affecting our younger colleagues.

In this regard it bears repeating that my idea of welfare for the young lawyer does not lie in providing hand-outs to them. Rather it is about equipping them with modern skills and tools to provide for themselves.

Consistent with that belief, in addition to the various initiatives that I have discussed above which are aimed at improving lawyers' remuneration and welfare, I recognise that if we do not train our young lawyers and aspiring lawyers in contemporary legal subjects in a practical manner, they will not be fit for the future. If our young lawyers are not fit for the future, it will create room for lawyers from foreign jurisdictions and other professions to surreptitiously fill up that space and this would not be good for the future of the profession. My administration will make dispensations to young lawyers to enable them to satisfy the requirements of the Continuing Professional Development (CPD) Programme every year.

My administration shall also ensure adequate representation of young lawyers in **all appointments** made in the two years of my Presidency as a means of mentoring, empowering and preparing them for future leadership in the profession.

The NBA under my administration will institute a competitive **scholarship scheme**

## Improved NBA Life Assurance Policy



It is gratifying to note that the current administration has reintroduced the **NBA Members' Life Assurance Scheme** with Leadway Assurance Company Limited for all members of the NBA who pay their practising fees, each year, within the statutory deadline. My administration shall ensure that this scheme is sustained, at no extra cost to the members, and will employ its best endeavours to negotiate better terms for members where feasible.

Considering our increased numerical strength, the NBA shall negotiate a more favourable deal with our insurance policy provider (and pay additional premium, from its own funds, if required) that would result in an upward review of benefits to members as follows: **₦2Million**, in the event of death or complete incapacitation resulting, from an accident or ill-health (i.e. doubling the current **₦1Million**) and **₦1Million** in the event of terminal sickness or an accident resulting in partial incapacitation, (i.e. doubling the current sum of **₦500,000.00**).

based on very transparent criteria for six young lawyers to be drawn from NBA Branches in each of the geo-political zones to attend conferences/trainings abroad every year for the two years of my administration. We shall also encourage senior lawyers and law firms to institute similar schemes across the country to train young lawyers, expose them to business development skills, advocacy skills and commercial awareness. These trainings will be specially selected to broaden the knowledge of the beneficiaries as well as hone their skills, in specific emerging areas of law or legal practice. Upon their return, we will work with the beneficiaries to ensure that, they will in turn have sessions where they impart their knowledge to other members of their branches who did not have the opportunity to attend.

As fully explained in this manifesto, my administration will establish an **NBA mentorship programme for young lawyers** and law students to be administered by the NBA Mentorship Committee for the benefit of young lawyers.



### Lawyers with Disabilities

As the President of the Association of Lawyers with Disability in Nigeria (ALDIN) rightly noted last year, it is an unfortunate irony that the administration of justice system in Nigeria does not contemplate the existence of lawyers with disability. For example, the court environment in most parts of Nigeria were not designed with any consideration for the plights of lawyers with disability. This is highly regrettable, and we owe our colleagues an apology for the indignity that they suffer in accessing court buildings.

As President of the NBA, I will champion the creation of an **NBA Lawyers with Disabilities Forum** and also ensure that the Chairman of the Forum is given a statutory slot on the NBA-NEC to provide a strong voice for the interests and plights of our colleagues with disabilities.

The NBA Lawyers with Disabilities Forum (NLDF), in collaboration with the Association of Lawyers with Disability in Nigeria, shall, with institutional support by my administration, actively engage with the heads of the various courts in Nigeria, the Attorney-General of the Federation and the Attorneys-General of the various states to ease the plight of lawyers with disabilities including physically accessing court premises and in providing necessary facilities to ensure that they have seamless and improved access to the justice delivery system. We will also push for our colleagues with disabilities to be given special status or preferences in terms of seat allocation and priority when they appear in court.

Overall, the NLDF in collaboration with the ALDIN will design a plan on how to achieve objectives that best suit their members and my administration will provide them all the required support to actualise those plans.

The NBA will lead the charge to advocate for lawyers to be included as beneficiaries of SME financing and intervention funds available to businesses across Nigeria



## Aged Lawyers

Another group of lawyers who are easily neglected by the NBA are the aged and incapacitated members of the profession. My administration shall identify and keep an updated database of aged and incapacitated members of the Bar and shall make adequate provisions for such members in the NBA's welfare scheme. As I mentioned earlier, addressing the issue of welfare of our aged members will be one of the core uses of the additional welfare fund to be allocated to NBA Branches.

My administration will also explore ways to introduce programmes that will honour and recognise members of the Association who have made notable contributions to the Association in one form or the other, including past national officers of the Association.

## Abuse and Harassment of Lawyers

The last few years have witnessed wanton **abuse and harassment of lawyers** by the men and officers of the various security agencies including the Nigeria Police Force and the Nigerian Army. This is unacceptable. In time past, this was unthinkable.

While it is indeed part of the aims and objects of the NBA to promote and protect the respect for the enforcement of the fundamental rights of citizens, charity must begin at home and the NBA must take steps to forestall the breach of the fundamental rights of lawyers.

The NBA, under my leadership will strengthen the NBA Human Rights Institute to engage the

heads of the various security agencies proactively and constructively at the outset, to set the tone for a collaborative and mutually beneficial relationship between their respective agencies and our Association and secure assurances that any officer of the security agencies found to have abused a lawyer would be sanctioned and such sanction made public.

Further, the Bar will set up a National Dialogue/Contact Committee (under my direct leadership) with the top echelon of the various law enforcement agencies including the military to wade into such incidents, immediately they arise. Each branch will also be mandated to set up such committee at its level, to periodically interface with the officers of the Police and other security agencies in their domain or areas of jurisdictions. Additionally, we shall also create guidelines for our members on how to conduct themselves, when faced with challenges from any of the personnel of the security agencies, avail them of available channels of communication, etc.

The NBA and the top echelon of the Police and other security agencies will also organise joint seminars, lectures, symposia, etc., in order to deepen harmonious relationships between the NBA and these agencies as well as create the opportunity to educate, enlighten or sensitise their men and officers on such issues, as civil law, human rights, rules of engagements, compliance with rulings and/or judgment of courts, etc., in the discharge of their duties. These collaborations will be further enhanced with the creation/strengthening of the Forum for Lawyers in the Military and other law enforcement agencies whose members will actively lead the interface between the Bar and the law enforcement agencies.

Subsequently, my administration with me leading from the front shall challenge any instance of abuse and harassment of lawyers by the security agencies when not dealt with in a satisfactory manner by the top echelon of the relevant security agency.

### Lawyers' Defence Fund



Further to the above, my administration shall set up a Lawyers' Defence Fund to cater for the needs of lawyers who are victims of human rights violation by the securities agencies. Members of our Association will have the opportunity to apply for, and secure retainership with the NBA in relation to legal representation of our members who have been abused by members of the security forces or any other person- and their remuneration will be funded from the Lawyers' Defence Fund. We expect that the services will be offered by such lawyers at a rebate given that they are supporting the cause of their colleagues.

### Protection of Lawyers against Sexual Harassment



The scourge of sexual harassment of lawyers by fellow lawyers is on the increase and appropriate steps need to be taken to address this. Those who have followed my messaging in the last few months would have noticed that it is a subject that I often speak about. On this point, there are broad and specific measures that we will need to put in place.

First, I will push for the NBA to have a sexual harassment policy that every lawyer and law firm must adhere to.

Second, we will escalate proven cases of sexual harassment by a lawyer against another lawyer to the status of a professional misconduct. This professional misconduct will be in addition to any other proceedings that may be brought against the harasser by the State. Elevating sexual harassment against a lawyer to professional misconduct would have a significant deterrent effect.

Thirdly, there must be a distinct complaint mechanism for sexual assault within the NBA that is both confidential and effective. I am of the view that the best way to encourage people to use that mechanism would be to put it at the care of female lawyers. So, as President, I will collaborate with both the International Federation of Women Lawyers ("**FIDA Nigeria**") and the NBA Women Forum to create a dedicated sexual harassment complaint platform to which female lawyers can send complaints. Once a complaint is received, the sexual harassment claim will be investigated discreetly with the full support of the relevant NBA Branch and where necessary, the Presidency. If harassment is established, then the harasser will be subject to the appropriate disciplinary measures.

Admittedly, it would be difficult for the victim to continue to work in the same environment after the investigations. Therefore, part of the mandate of the sexual harassment complaints unit would be to provide career support to the victim and assist the victim with the process of securing another employment.

## Access to Finance/Establishment of an NBA Micro-Finance Bank



The issue of availability of finance to set up law firms and even to fund existing law firms is a major issue that requires institutional attention by the NBA. I will set up a task force made up of lawyers with Banking & Finance and similar experience to examine the modalities and possibility for the establishment of an NBA Micro-Finance Bank. Also, the NBA will lead the charge to advocate for lawyers to be included as beneficiaries of SME financing and intervention funds available to businesses across Nigeria (for instance the recent CBN COVID-19 Fund). Disbursement of such funds can be channelled through the NBA Micro-Finance Bank for the benefit of eligible lawyers. Where required, the NBA will also engage with banks and other financial institutions regarding the financing needs of lawyers and work to develop a framework to make access to finance easier for lawyers.

## The NBA Education Fund



I have become aware of several young lawyers who have been admitted into educational institutions within and outside Nigeria for post-graduate studies but have been unable proceed on further studies due to the lack of funds.

I will engage with senior members of the Bar and corporate organizations favourable to the NBA, to set up a Post-Graduate Education Fund for the young lawyers who qualify based on needs and academic achievements. The Fund will be directed towards supporting the eligible young lawyers towards paying or meeting their tuition needs.

During my time as Chairman of the NBA-SBL, we started a scheme where we instituted a scholarship programme in partnership with the Indiana University, Bloomington to assist young lawyers admitted to pursue an LL.M program at the institution. We can build more of such partnerships with other institutions both locally and internationally.

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## An Inclusive Bar

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I am focused on building a Bar that not only has utilitarian value for its members, but one that would also work for all. My administration will therefore work tirelessly to achieve inclusiveness within the Bar. We will be sure to give voice to such varying constituencies as Women, Young Lawyers, Aged Lawyers, Lawyers with Disabilities, Law Officers, Laws in the Military and Other Forces, Law Teachers, Corporate Counsel and so on.

To this end, we will champion an amendment to the NBA Constitution to accord statutory recognition to the Chairpersons of the various fora as members of the NBA-NEC.

Furthermore, the discrimination (under the NBA Constitution) against, or exclusion of law officers and other members of the profession who are not in private practice, is to my mind unjustifiable. As a commercial lawyer who did not originally have a voice in the mainstream issues of the NBA, I understand the pains of such limitations. My administration will therefore champion the relevant constitutional amendments to ensure fairness and equal treatment of our colleagues from all segments of the profession and to ensure that they too have a right to hold elective offices in the NBA.

More specifically in relation to each of the above-mentioned constituencies, my administration's plans are as follows:



### NBA Women Forum

The contribution of women towards creating a balance in our profession is invaluable. Now more than ever, we, as a society, need this balance and therefore a woman's right to be treated as equal for all purposes is non-negotiable. The NBA under my administration shall continue to advocate for our Women in Law, and indeed all other vocations, to increasingly occupy their rightful place in the society.

In this regard, the current administration has rightly received plaudits for inaugurating the Executive Council of the NBA Women Forum in September 2019, and charging them with the mandate to becoming an influential voice in the society whilst taking the lead in addressing matters of interest to female lawyers in particular and the well-being of women and the girl child in general. My administration shall improve on this commendable effort.

My administration will also ensure adequate representation of women lawyers in **all appointments** made in the two years of my administration. This shall be done in consultation with the leadership of the NBA Women Forum.

Further, although the FIDA Nigeria is an independent association, the reality is that it consists of members of the legal profession in Nigeria and by implication, members of the NBA. My administration shall maintain a very cordial working relationship with FIDA

Nigeria to the extent that same does not undermine the activities and proper functioning of the NBA Women Forum.



### Corporate/In-House Counsel

For too long, an important segment of the legal profession, the corporate or in-house counsel have been treated as outsiders by their colleagues in private practice. There is no justification for this.

We must understand that ours is a profession which consists of many parts, none of which is more important than the others. Accordingly, those who make up these parts of the profession including in-house counsel must be duly considered and carried along when decisions concerning them are made.

It was in recognition of this that the NBA-SBL under my leadership inaugurated the Corporate Counsel Committee of the SBL to ensure that the interests of corporate counsel are adequately catered for. As President of the NBA, I will champion the creation of a **Corporate Counsel Forum** and also ensure that a representative of the Forum is given a statutory slot on the NBA-NEC.

One recurring complaint is that some corporate counsel do not receive similar benefits and entitlements as some of their counterparts from the medical profession for instance. This has festered because of the silence and indifference of the NBA. The NBA under my leadership shall ensure that we fight for and protect the interests of lawyers in corporate employment from any maltreatment and discrimination by their employers.

Further, in designing the topics for the technical sessions of the annual general conferences, the interest of corporate counsel will definitely be catered for. This is already the case with the NBA-SBL.

### Law Officers



Just like corporate counsel, law officers or lawyers in public service also complain of neglect and unequal treatment by the NBA. My administration shall empower the NBA Law Officers' Forum to adequately represent the interest of law officers.

There are also several of our colleagues who joined different public institutions such as the Police Force before qualifying as lawyers. Since their qualification, they have been working on ensuring that they are upgraded within the system to recognise their new status as lawyers, but this has not been possible. So, they have continued to be treated as low cadre officers even though they now have the qualifications to ascend. I will pay attention to this anomaly and personally lead the conversations around this.

### Other Important Fora



Three other extremely important fora that my administration will establish/strengthen are the Law Teachers Forum; Lawyers in Police, Military and Other Forces Forum; and the Lawyers in Legislature Forum. Our colleagues in each of these segments of the profession will be encouraged to associate and discuss issues affecting them as a whole and provide recommendations on how the Bar can support them in their respective endeavours.

Law teachers play a very vital role in the advancement of our progression and they will be critical in driving some of the legal education reforms of my administration.

The Lawyers in Police, Military and Other Forces will, on their own part be critical in acting as a liaison between the Bar and the various security agencies which they work for. This would help foster harmonious relationships between the Bar and the security forces and reduce the incidence of abuse of lawyers by security agencies.

Lawyers in Legislature will help in our efforts in law reforms and in pushing various initiatives through the legislature.

### Lawyers in Diaspora



We will maintain close relationship with right standing members of our Association who reside outside the country for their further studies, or other professional endeavours. This will ensure that we are able to provide them all support they would require from us. From my consultations, I am aware that on occasions, these members require assistance from the NBA, including letters of good standing from the NBA. We will ensure that the NBA is able to provide them all professional support that they may require. We will also collaborate with those of them who have explored the practice of law in other economies or international organisations in providing training and technical knowhow to our members in-country.



## Lawyers in Training

Another category of persons who the NBA under my administration shall pay special attention to are the law students for the simple reason that they are the ones who will become members of the profession in the future and it is important to take active interest in their progress. The International Bar Association (IBA), for instance, has a Law Students' Committee.

It has already been stated that the NBA under my administration will introduce a nationwide NBA mentorship programme for young lawyers to be administered by the Membership Committee of the NBA. We will extend this to students. This will involve pairing selected Nigerian law students with some young lawyers to provide them guidance and support as they transition from being students to becoming legal practitioners.

My administration shall also introduce an **NBA all-expense paid scholarship for 30 law students across universities in the six geopolitical zones** in Nigeria to attend the NBA Annual General Conference as student delegates for the two years of our administration. The essence of this is to expand the horizon of law students and enable them, at a foundational level, to enlarge their network, develop appropriate interest in contemporary areas of law practice, learn the art of business development and increase their commercial awareness.

## Capacity Development

At the core of my mandate for the NBA is to champion a structured reformation of the system of legal education in Nigeria and actualise a system that produces **knowledgeable, competent and ethically conscious lawyers**.



## Continuing Legal Education and Professional Development

Whatever the nature of a lawyer's practice, knowledge and education is fundamental to all that the lawyer does. In most other countries of the world, lawyers are required to complete several training programmes in order to practice as lawyers. In a similar spirit, the RPC already requires every lawyer who wishes to carry on practice as a legal practitioner to participate in and satisfy, every year, the requirements of the mandatory Continuing Professional Development (CPD) programme operated by the NBA. To give effect to this, the NBA has an Institute of Continuing Legal Education (ICLE) which serves as the CLE regulatory authority. The NBA-NEC in 2007 also approved the "Mandatory Continuing Legal Education Rules (MCLE Rules).

My administration shall within one month of inauguration reconstitute the Board of the ICLE and charge the Board with the responsibility for the operation of the CPD programme of the NBA. I shall also ensure that the ICLE is adequately resourced and equipped to design and deliver quality trainings to members in different parts of the country. I pledge to ensure that the five hours of relevant CPD training is made available **for free** to members of every branch of the NBA

during my tenure in office and this will count towards the CPD requirement in the RPC.

I shall also commission a review of the MCLE Rules 2007 to ensure that the Rules accord with modern realities, especially in a post COVID – 19 world.

My consultations show that one major reason why the NBA has been unable to seamlessly implement the policy, stipulated in the RPC, of publishing on its website every year, the list of the legal practitioners who have complied with the requirements of the CPD Programme and issuing an Annual Practising Certificate to such legal practitioners every year, is because there is no such provision under the LPA, thus raising questions regarding the legality of the RPC provision. My administration shall work with the relevant authorities to propose a harmonisation of the provisions of the LPA with the RPC and seek legislative amendments to the LPA to ensure the seamless implementation of this worthy initiative.

Beyond the issue of whether there is legislative backing for mandatory CLE are issues of availability of training, accessibility, affordability and relevance of training. I have been involved in many capacity building initiatives at the NBA-SBL and at my Branch and will seek to ensure that the CLE Committee of the NBA and the ICLE Institute are properly resourced to provide relevant trainings, working with the various branches of the NBA. The ICLE Institute will also work with other providers in allied professions like accounting, insurance, banking, law enforcement, etc to ensure that there is a breadth and depth of training available for the legal profession across the country.

Through the ICLE, the NBA will also collaborate with the NBA Sections and Fora regarding their annual programming/plan of actions to ensure effective coordination and delivery of capacity building programmes at the Branch level. We will also encourage ongoing decentralisations of the Section's programmes at subnational levels.

Importantly, some of these trainings will be subject matter specific and designed by experts to be taken at the lawyers' pace and delivered virtually similar to the Masterclass on Drafting Clearer Contracts delivered by Ken Adams and organized by the NBA-SBL. Upon completion, the lawyers CPD points will be recorded and a certificate generated on site.

Finally, the ICLE, with the support of the NBA under my leadership, will work to develop a competency framework for all lawyers, similar to the Business Law Competency Framework developed by the NBA-SBL and initiated under my leadership. The idea of the competency framework will be to enable lawyers, regardless of where they practise in the country, to know and gauge what is expected of them at their level in terms of soft skills, technical skills, and general legal competencies. This would greatly help our young lawyers chart their career path and figure out what things that they need to learn, develop and grow on so that they can be more successful, based on the experience of those that have gone before them.



The establishment of a system that produces **knowledgeable, competent and ethically conscious lawyers** should be a matter of serious interest to all practicing lawyers because today's student is tomorrow's lawyer and would constitute the workforce for the future. For practices to be sustainable, compliant and competitive, we need a well-educated and skilled workforce in the legal profession.

The standard of the legal profession in Nigeria has depreciated in the last few decades and all hands must be on deck to arrest this slide. Gone are the days when the legal profession was considered esoteric by clients and when lawyers were viewed with an air of mystique. Today, most clients, especially players in corporate Nigeria, are sophisticated – they already have an idea of what exactly they require/demand from lawyers and are able to recognise our deficiencies.

There is therefore urgent need for a significant improvement in the quality and standard of the legal services that we render to our 21<sup>st</sup> century clients. In my view, this begins with the quality of legal education and continuous legal education available to our students and lawyers respectively. As we are famed for saying, one cannot give what one does not have.

Although the legal education of persons seeking to become members of the legal profession in Nigeria is undoubtedly the statutory responsibility of the Council of Legal Education (CLE) as provided for under the Legal Education (Consolidation, etc.) Act, section 3 (b) of the NBA Constitution makes it

beyond doubt that the NBA has a vital role to play in the promotion and advancement of legal education in Nigeria.

Thankfully, the Chairman of the CLE is a lawyer, as is the Director General, as well as all the lecturers, of the Nigerian Law School. We will work with the CLE and the National Universities Commission (NUC) to have a clear agenda regarding University and Law School admission and ensure that Faculties of Law only admit such number of students who can be properly tutored with the resources available in each university.

The NBA will engage the CLE to effect a more practical approach to the legal training that prospective lawyers in Nigeria receive both at the Nigerian Law School and, more importantly, at the university level. More importantly, we will support and encourage policies aimed at promoting competitiveness in our university level education such that Faculties of Law would have sufficient flexibility to develop expertise in areas of law of interest to their faculty as we see more developed economies. For example, whilst all the universities in Nigerian will be operating on a curriculum that is relevant to realities of modern law practice, an Ahmadu Bello University Faculty of Law could be renowned for its aviation law expertise, its University of Lagos and University of Nigeria counterparts could be known for their maritime law and fin-tech law expertise, respectively.

In this regard, the NBA under my leadership will commission a study with a view to submitting, before the end of March 2021, a proposal for the review and upgrade of the structure and content of courses taught in the

law faculties of Nigerian universities and the Nigerian Law School.

### Institutionalised Mentorship Programmes



All over the world mentorship is now seen as a very productive way of nurturing professionals in their career development journey. The need for well-organised mentorship initiatives at the Bar cannot be overemphasised especially when considered from the perspective that we do not have a ‘pupillage’ or ‘training contracts’ system in our country and lawyers who are unable to find employment are, often times, forced to set out on their own without any guidance on even the basic rudiments of running a law practice.

We have excellent examples of successful mentorship initiatives in the legal profession. Internationally, we have the IBA mentorship initiative and in Nigeria we have successful mentorship initiatives by the NBA-SBL, the NBA Lagos Branch and others. The NBA is certainly not lacking in distinguished practitioners who have made a name for themselves through excellent service delivery and demonstration of outstanding leadership and administrative acumen.

We will, immediately upon assumption of office set up a Committee to deliver the following mentorship initiatives across all NBA branches:

**The 1-1 Mentorship Initiative:** This will be structured as a buddy-style mentorship initiative. The Mentorship Committee will have the responsibility of pairing the mentors and the mentees and as part of its terms of

reference, will be tasked with ensuring that the mentor and mentee (with the mentee’s career direction/ projections in mind) are properly matched. Relevant issues like age and experience would be carefully considered in the matching process. We will deploy technology to make the registration and matching of mentors and mentees seamless and auditable.

**Group/ Speed Mentorship Initiative:** We will collaborate with leading practitioners across the country in facilitating group mentorship events and will procure the technological support to broadcast events to all lawyers in Nigeria and to make the recordings available to all branches for the use of their members.

**The Law Firm Mentorship Initiative:** As part of its terms of reference, the NBA Mentorship Committee will use this proposed initiative to provide institutional guidance on law firm management between established firms and start up law firms so that the start-ups can learn from the more established law firms over a one year or so period regarding how to effectively and efficiently run their practices.

### Career Development Centre



Unemployment and underemployment have become very serious issues in our profession and are now matters that should be dealt with institutionally by the NBA. My administration will create a Career Development Centre with the main objective of liaising with potential employers (including involving our lawyers in business network) of legal practitioners and members of the Association who are looking for employment opportunities.

The Career Development Centre will also provide career guidance to our members and act as a statistical centre regarding career deficiency and development of members. The Centre will be responsible for gathering information on skills and training gaps in the profession. It is intended that the data collected by the centre will play a large part in determining the training program to be developed and used by the ICLE for providing training, dependent on need, across the country and guide the NBA on approach to advocacy targeted at deepening our market.

### Law Reporting Standards and facilitating access to law resources



Currently, Nigeria does not regulate law reporting. Also, there is no official standard or guideline for law reporting in the country. This is not ideal for quality assurance and could jeopardize justice if reliance is placed on an authority that was wrongly reported. We will set up a Committee to look at the requirements and standards for law reporting to ensure that members of our Association and the Bench have access to quality reports.

We will build an NBA electronic law resource base to which every right standing member of our Association will have access.

The ICLE, with the support of the NBA under my leadership, will work to develop a competency framework for all lawyers, similar to the Business Law Competency Framework developed by the NBA-SBL and initiated under my leadership

## 3.THE BAR AND THE SOCIETY

### Administration of Justice

The Nigerian justice system is faulty, and despite the high level of intellect in our profession (both at the Bar and on the Bench), that system is not delivering optimally. Indeed, no society or its commerce can thrive without an effective justice system.

With reference to the courts, the challenges are such that the process is not only difficult and frustrating for our members, the system is also too slow for the clients. As President of the NBA, we will put in place a number of policies and advocate for a change in judicial attitude all geared towards reducing these incidences.

First, we will push for a **more active case management by judges**. Gaining greater control of the case flow process will lead to a more efficient system of litigation. Most, if not all extant Rules of Court today have as their overarching or overriding objective the expeditious disposition of cases before the courts and some Rules of Court have gone the extra mile by making clear provisions on how this objective can be achieved. We will periodically organise seminars and joint sessions with the Judiciary to push for the implementation of these rules through more active case management by the judges. This will entail identifying the issues and quickly resolving as many of them as possible at the preliminary stages, and only resorting to a plenary trial as a last option. Whilst it would be the responsibility of the Bench to lead the effort, the Bar under my leadership will provide the prodding.

Secondly, we will advocate for **an improved case scheduling system**. This will involve

putting in place measures to eliminate the incidence of cause lists being clogged up with an inordinate number of matters of varying natures and stages all listed for the same day. Our approach to this will be to recommend a scheduling system that involves having timeslots and specific days allocated for matters depending on the nature and the stage of the proceedings. For each day, specific timeslots will be assigned to each matter and this would be strictly enforced. We will work with the judges and the administrators of the court system to achieve this objective.

Third, is **more effective communication between the Bar and the Bench**. It is utterly frustrating that counsel have to travel out of jurisdiction for a matter (or even go to court within jurisdiction) only to be told that the court would not sit or that the judge is not disposed. In today's world where communication (text messages, phone calls, etc) has become extremely easy and in some cases even free, this is most unacceptable. Working through the Branches, we will actively liaise with the judges and their registrars to ensure that more deliberate efforts are made by the courts across the country to communicate, in advance, the inability of the judges to sit on designated dates.

Fourthly, we will work closely with the judiciary to put in place an **electronic filing and service of processes system**. While this could be a mid to long term, it is a process that needs to be commenced as quickly as possible if our justice system is to be competitive in the 21<sup>st</sup> century. We will also advocate for the relevant legislative changes required to give backing to more virtual hearings. These will, no doubt, come with the challenges of inadequate infrastructure, lack of knowhow, and putative unacceptability under certain

legal theories, but it is inevitable that we ultimately attain this status in a fast-changing world.

Lastly, we will work with the various Attorneys-General, the Judiciary and the Branches to provide or improve on the **facilities for the convenience of judges and lawyers while in the courthouse**. Attending court should not always be a difficult experience. On this, I refer to such simple matters like e-libraries for research; common rooms for relaxation while waiting for one's turn for the day's proceedings; functional and well-maintained toilets for lawyers; workstations for those who have urgent work; parking lots in the court neighbourhood for lawyers; and special facilities for our aged and disabled colleagues seeking to access the court.

### Defending the integrity and independence of the Judiciary



The NBA has in recent times lost its voice as the prime defender of the integrity and independence of the Bar and the judiciary. The NBA under my leadership will challenge any action by government or other parties deemed capable of undermining the integrity and independence of Judiciary.

My administration shall diligently and consistently work to restore the dignity of the Bar and the Bench. In particular, and in recognition that judges do not have an association and are generally not expected to embark on advocacy on issues that affect them, the NBA must rise and fill the gap by advocating for increased funding for the judiciary at both the Federal and State levels,

and for the respect for the independence and integrity of the Bench.

### Promotion and Protection of the Rule of Law and Human Rights



The NBA under my administration will operate a zero tolerance for disobedience of lawful orders of courts and will not hesitate to take all legal steps available to it to protect, defend and maintain the rule of law in Nigeria. The NBA under my administration shall also actively support the fight against corruption.

One of the objects of the NBA is to promote and protect the respect for the enforcement of the fundamental rights of the generality of citizens. The NBA under my administration shall not shirk this responsibility. We will be the voice of the masses and will collaborate with relevant organisations including the Human Rights Commission, and relevant NGOs towards adequate legal representation of victims of abuse of human rights. We will encourage lawyers to take on more cases of human rights abuses cases pro bono and will have dedicated phone lines and email addresses where complaints on human rights abuses can be made.

### Appointment, remuneration and training of judges



One issue which the NBA under my administration will take particular interest in is the issue of appointment of judges. We will advocate for the appointment of more judges to reduce the workload of judicial officers as a means of reducing the slow pace of justice dispensation. While doing so, we will

collaborate with the National Judicial Council (NJC) on ways to ensure transparency in such appointments. In recent times there have been complaints about the calibre and qualification of the legal practitioners appointed as judicial officers. Without getting into the merits or otherwise of these complaints, the NBA under my administration will strictly monitor compliance with the NJC Rules and Procedure for the selection and appointment of superior court judges.

Relatedly, the NBA will also advocate for better remuneration and working conditions for the Judges. I am of the strong opinion that with constant engagement, the remuneration package for judicial officers will certainly be looked at for improvement.

On training, we will work closely with the National Judicial Institute to continuously train the Judges. The role of the Bar where will include sourcing resource persons and subject matter specialist across the globe to train and retrain our Judges.

### Law Reform Initiatives



The body of laws in Nigeria must be continuously examined in order to ensure that they are current and fit for purpose. Part of the core mandate for my administration will be the promotion and support of law reforms. Mindful of the fact that the problems bedeviling lawyers, in our professional capacity, and the NBA as a whole are both perennial and recurring in nature, I am of the considered view that only strong institutional processes can eliminate these problems and forestall future recurrence. The NBA under my leadership will therefore advocate legal and

institutional reforms to give effect to our programmes.

Under my administration, the NBA Law Reform Committee will be adequately resourced to play its role as a liaison between the NBA and the National Assembly and State Houses of Assembly; to represent the Bar at National & State Assembly public hearings, etc. The Committee shall also be empowered to organise seminars for, and with, members of the National Assembly, particularly for new members, on Legislative Drafting, the intricacies of law making, checks and balances, oversight functions, etc. The Committee shall also be mandated to work with the National Assembly, to identify some of our obsolete statutes or laws, with a view to reforming or updating them, through strategic amendments, in order to bring them in line with global trends and realities.

The Committee will also be the legislative watchdog arm of the NBA and will fully advocate against obnoxious laws and practices which undermine the rule of law in Nigeria and that impede business and economic activities. During my time as NBA-SBL Chairman, we spearheaded the partnership with the National Assembly and the Nigerian Economic Summit Group with support from the UK Department for International Development (UK DFID) to create the National Assembly Business Environment Roundtable (NASSBER) as a platform for the legislature and the private sector to engage, deliberate and take action on a framework that will improve Nigeria's business environment. The NASSBER was responsible for the providing technical support and drafting of several laws that were passed at that time. We will adopt similar arrangements at the NBA national.



## Public Interest Litigation and Advocacy

We must restore the voice and glory of the Bar and the Bench. The voice or opinion of the Bar must and will be heard, or rendered loud and clear, on every topical issue, policy, action, etc. of various governments/their agencies and/or on issues of national and global discourse.

The NBA under my administration will regain its position as the conscience of the Nigerian society. We must be the bulwark against tyranny and injustice in Nigeria. If the Bar fails to carry out this sacred duty, we would have dashed the hopes of the millions of our compatriots who look up to us to fight against all forms of injustice, condemn unpopular government policies and check abuse of power.



## Criminal Justice Reform Projects

The NBA under my administration shall also partner with statutory bodies such as the Nigerian Judiciary, the Legal Aid Council of Nigeria, the Nigerian Police, the Nigerian Correctional Service and other stakeholders in the Nigerian Criminal Justice Sector, as well as international partners/donor agencies to undertake a holistic reform agenda of the Criminal Justice System in Nigeria.

## 4. THE BAR AS AN INSTITUTION

### Reforming the Institutional and Governance Processes of the NBA

#### Streamlining the NBA Administrative Structure



The promises in this manifesto and all other actions required to achieve the objectives of the NBA can only be achieved if we are able to build an administrative structure that (i) preserves the institutional memory of the Association beyond two year administrations; (ii) ensures operational efficiency of the Association; (iii) enables effective branch and member liaison; (iv) achieves an efficient delivery of the projects undertaken by the NBA; and (v) allows or enhances continuation of laudable efforts and programmes of previous administrations. One of the first tasks that my administration will undertake is to create an administrative structure that ensures that we are able to deliver a blueprint for the progress of the NBA as an institution.

It is my desire to see the NBA being run as a better structured organisation, with proper accountability and institutional memory. For an organisation that changes its leadership on a biennial basis, this is especially important. The present leadership of the Association has begun to address the accountability aspect, which had been a perennial challenge. My administration will build on these gains and take it a step further to ensure that the Secretariat of the NBA is insulated from politics and elections into offices of the Bar, and in that way, achieves continuity of programmes, proper record-keeping and institutional memory regardless of those who

occupy the leadership of the Bar at any given time.

The NBA Presidency has become a full-time job requiring a hands-on leadership style with a President serving as a Chief Executive Officer. This ought not to be the case. As I mentioned earlier, should I become President, I plan to proceed on sabbatical from my law practice to fully dedicate my time to deal with the challenges and responsibilities of this office. To assist in executing the plans and running the operations of the Secretariat on a day-to day basis, my administration shall institutionalise the office of an Executive Director or Chief Operating Officer for the NBA and equip the office with the powers to run the organisation in a professional and efficient manner and take a lot of pressure off the elected national officers. We will ensure a harmonious working relationship between the Executive Director and the elected national officers.

My administration will also work on digitising most of the processes at the NBA Secretariat. In this sense, we, will among other things, develop an efficient user-friendly application that will be used by lawyers to facilitate payment of practising fees and branch dues, application for stamp and seals, and all other application to the NBA, filing of complaints to the NBA, etc. This will ensure coordinated means of generating feedback, gathering information on an ongoing basis regarding our members, disseminating information in real time and ease of payments by members of the NBA. The goal is to build a properly administered institution where processes are seamless, interface with members pleasant and continuity of polices is possible.

## Institutional and Regulatory Reforms in NBA



Successive NBA administrations have initiated steps to **review of the Legal Practitioners Act 1975 (as amended)** (the “LPA”). My administration will actively engage with the National Assembly to ensure this happens.

The advocacy skills and network developed from my time as Chairman of the NBA-SBL, when we partnered with the National Assembly to establish the NASSBER will aid our interactions with the relevant National Assembly Committees on Judiciary, Human Rights and Justice sector to ensure the quick passage of the amended LPA.

Additionally, the NBA has two unimplemented reports in the **Legal Profession Regulation Review Committee Report (LPRRC Report) 2017** and the **KPMG Diagnostic Report**. **The KPMG Report makes extensive recommendations on financial management, reporting processes and structure within the NBA while the LPRRC Report makes certain significant and far-reaching recommendations on how to improve the affairs of the NBA and the profession.** I undertake that my administration will table these reports for consideration, before the NBA-NEC during its first meeting following our inauguration to enable us to consider and take appropriate next steps.

## Synergy with NBA Branches



The NBA is a national organisation with 125 Branches who are much closer to the members of the Association than the national body. To ensure that the programmes and schemes of the NBA are better felt by most members, the NBA under my leadership will pursue greater synergy between the national secretariat of the NBA and the leadership of the various Branches. We will build this synergy by engaging branches closely on their plans and proposed activities and devising ways in which the national body can support them; regular meetings with the branch leadership; and carrying the branches along in the activities of the national body such as recommendations for appointments into committees and sourcing personnel that will generally help in pushing our policies.

As Chairman of the NBA-SBL, we realised that one of the criticisms against the Section was the Lagos and Abuja centric nature of our events and activities. We took these criticisms on board and ensured that our programmes especially those of the NBA-SBL Committees were spread round the country to give members and Branches a better sense of belonging. I will ensure that this is institutionalised at the national level, especially in the capacity building and continuous legal education programmes.

During my time as NBA-SBL Chairman, we spearheaded the partnership with the National Assembly and the Nigerian Economic Summit Group with support from the UK Department for International Development (UK DFID) to create the National Assembly Business Environment Roundtable (NASSBER) as a platform for the legislature and the private sector to engage, deliberate and take action on a framework that will improve Nigeria’s business environment

## Strengthening and Supporting the NBA Sections and Fora



I am a firm believer in the immense contributions that the various Sections and Fora of the NBA make to the success of the Association. Indeed, my active involvement in NBA activities began with the NBA-SBL where I served in different capacities and ultimately rose to the position of Chairman of the Section.

Even as Chairman of the NBA-SBL, my active role in strengthening and reawakening the other Sections, namely the NBA Section on Law Practice (SLP) and the NBA Section on Public Interest and Development Law (NBA-SPIDEL) is well documented. It is indeed gratifying to see that all three Sections are up and running, although there is always room for improvement.

It is the support and the enabling environment which the past NBA administrations provided to the NBA-SBL that accounted for the phenomenal growth of the Section which has remained a source of pride to the NBA. It should be taken for granted that as NBA President, I will provide immense support and the enabling environment for the smooth operation of the NBA Sections and Fora. We will work with the Sections and Fora to ensure that their activities are all inclusive and embracing, by spreading across various jurisdictions in the country,

## Professional Ethics and Discipline



Another important change I desire is to see an improvement in the disciplinary procedure in the legal profession. The NBA, as we all know, is a self-regulatory organisation using the

platform of the Legal Practitioners Disciplinary Committee (LPDC). But in truth, the respect we once commanded from the public has been largely eroded due to the untoward conduct of a few of our members. If care is not taken, we might soon begin to see a clamour for the power to self-regulate to be taken away from us. The NBA under my administration will champion a stronger and more responsive LPDC to ensure that we regain our lost reputation. The current disciplinary process is inefficient, and we will fully empower the panels of the LPDC and push for disciplinary cases to be conducted within a year of commencement.

## Instituting a Whistleblowing System



I have noted that our ability to actualize some of our reforms depend so much on how much information we have about the problems and the cases of breaches. My administration will ensure that we set up a whistle-blowing portal where various categories of complaints and reports can be made. For instance, lawyers whose employers do not remit PAYE, pensions, and all other statutory contributions will have an opportunity to anonymously report such law firms. The system will also allow cases of sexual harassment, lawyers' malpractices and corruption in the NBA to be reported anonymously and necessary actions taken.

To ensure enforceability, we will set up various task forces to investigate these complaints, engage the subjects and advise on the best approach to resolve the issues. The system will be managed by a reputable

organization that renders whistleblowing services.

## The NBA Annual General Conferences



The intricacies of organisation of conferences are well known to me. I was the Co-Chairman of the Technical Committee that planned and organised the NBA's 2019 Annual General Conference (NBA-AGC). Before then, I had twice served as the Secretary of the Technical Committee on Conference Planning. Further, as Secretary, Vice Chairman and then Chairman of the NBA-SBL, I played a central role in consistently delivering truly world class Business Law Conferences for very competitive registration fees for the members, while still being able to offer scholarships to hundreds of young lawyers to attend. I commit to replicating the above record, and more, as President of the NBA.

I can state from a position of authority that the NBA-AGC has a potential to be a lot bigger and better than it currently is. Indeed, as our Conference Planning Committee demonstrated in 2019, the NBA-AGC can be a well-run event as well as a commercial success.

The date for the conference is constitutionally provided for and thus everyone knows that the conference takes place in the last week of August every year. Yet, we do not begin preparations for the conference until very late in the year, by which time the corporate organisations that the NBA typically approaches for sponsorship would have drawn up their budgets for the year. This is the reason the NBA perennially runs cap in hand to State Governments for sponsorship, a necessary evil which has consequences on the

Association's ability to effectively serve as the watchdog for the society.

In the years 2021 and 2022, the NBA under my administration will organise the biggest and best AGC in the history of the Association without requiring the members to break the bank to be able to attend.

As part of the efforts towards ensuring the inclusiveness of the different components of the NBA, my Administration will grant **conference fee waivers** to enable the following categories of members to attend the conference:

- **73 Young Lawyers** (representing two from each State and the FCT Abuja);
- **37 members of the Women Forum**, i.e. one such delegate from each State of the Federation and the FCT Abuja, with demonstrable need to be determined by the leadership of the Women Lawyers Forum;
- **37 members of the Lawyers with Disability Forum**, i.e. one such delegate from each State and the FCT Abuja, on the recommendation of the leadership of the Forum; and
- **30 law students**, to be selected on a competitive basis with five students drawn from universities in each of the six geopolitical zones.

My administration will ensure that we set up a whistle-blowing portal where various categories of complaints and reports can be made. For instance, lawyers whose employers do not remit PAYE, pensions, and all other statutory contributions will have an opportunity to anonymously report such law firms.

## 5. THE FUTURE OF THE BAR

### Laying the foundations for the Bar of our dreams

#### Setting the Stage for the attainment of a globalised legal practice



In addition to the issue of training and retraining of lawyers, another cardinal principle of my candidacy is the belief that Nigerian lawyers must aspire to global competitiveness, because if we do not, the legal profession in Nigeria will remain stagnant, while the rest of the society will move on. The shortage of capacity to tap into the emerging areas of our economy; the poor earning power of lawyers; and the frequency with which international law firms already play in the Nigerian market; all give me great cause for concern.

Consequently, my administration will strive to equip Nigerian lawyers with the tools required to improve on their capacity to meet the expectations of a highly sophisticated clientele. At the very least, the legal profession in Nigeria must strive to set a high standard of legal services in sub-Saharan Africa to accord with our rightful place on the continent. Indeed, as our country and others in Africa journey into the experiment of the African Continental Free Trade Area (AfCFTA), we have a duty to ensure that our lawyers are poised to lead the way in reaping the continent-wide opportunities that the AfCFTA would create. My administration will also ensure that the NBA lends its voice to the negotiation of the AfCFTA working relationship by the Nigerian government with

other member states in order to not only protect the interest of the Nigerian society at large but to also secure opportunities for members of the NBA.

#### The deployment of technology in law practice in Nigeria



If any lawyer in Nigeria still had any doubts or misgivings about the benefits of leveraging technology to facilitate access to justice in Nigeria, such doubts or misgivings must have been eliminated by the Covid-19 pandemic which has made the use of technology an essential tool for law practice.

It was a bit disheartening to realise that the COVID-19 pandemic caught a lot of Nigerian lawyers unprepared in the sense that many lawyers did not have such basic information technology tools as work emails, let alone more sophisticated research and firm management software. As basic as it sounds, emails are the most common mode of communication in the business world today and every Nigerian lawyer should have a functional email address.

In recent times, we have seen forward thinking and innovative solutions proposed by the Attorney-General of the Federation as well as the recent guidelines released by the NJC to leverage the use of technology to facilitate access to justice in Nigeria. The NBA under my administration will partner with these key stakeholders to actualise these very lofty objectives.

The goal of my administration is to achieve or set the stage firmly for the widespread use of technology by the Bar and the Bench,

especially in the area of recording or court proceedings, filing and service of processes, and communication between the Bar and the Bench. This will involve significant engagement with, and buy-in of the NJC, the leadership of the judiciary both at the Federal and State levels, the legislative and executive arms of government, and members of our Association. Whilst the enormity of this task is glaring, it is not an impossible task to accomplish. With a consistent and dedicated NBA under my watch, I believe that we can achieve a technology-driven judicial system as that is the only way forward in 21<sup>st</sup> century law practice.

We will also encourage our members to take advantage of available technological tools to help them operate efficiently and serve their clients better. Our steps will include informing our members of the availability of these tools and how functional they can be for law firm management and service delivery. These tools will include tools used for communications, legal research, data storage and management, risk management, collaboration, billing, marketing etc. We will use the strength of our numbers to negotiate with technology service providers to build affordable systems that can be easily deployed to our members across the country.

### Enlightenment on New and Emerging Practice Areas



Legal practice continues to evolve, and the clientele base is becoming more sophisticated and with more diverse needs. As such, if Nigerian lawyers continue to limit their practices to the traditional areas of practice, a significant gap will be created in the legal

services market with the effect that there won't be properly skilled Nigerian lawyers to serve the clients who play actively in emerging industries. As such, the Bar under my administration will properly enlighten Nigerian lawyers on these emerging areas of practice and introduce measures to encourage them to expand into these areas. We will achieve this objective through our capacity building and enlightenment programmes that will be facilitated by Nigerian lawyers who have carved a niche for themselves in such areas as well as lawyers from international law firms that actively practise in those areas, At different times, we will provide the avenues or platforms for clients in these emerging areas to network with lawyers who have developed skills in those areas.

### Review of the RPC 2007 and the LPA



The LPA and RPC need a complete overhaul. They are outdated and behind the modern practice of law in a globalised world. I already alluded to some of the challenges in this manifesto and others are also set out in the LPRRC Report. The NBA under my administration will champion this review and engage the relevant stakeholders to ensure the submission of draft Rules before the General Council of the Bar not later than the 31<sup>st</sup> August, 2021.

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## International Collaborations and Relationships

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In this era of globalisation, no organisation can afford to insulate itself and refrain from actively engaging with others. For instance, the NBA-SBL under my leadership organised, in partnership with the IBA, a free training for 100 young lawyers on the fundamentals of International Legal Business Practice.

The NBA under my leadership will ensure active partnerships and collaboration with international organisations and agencies especially the IBA, Bar Associations in other African jurisdictions and Lawyers in Diaspora to provide our members with capacity building opportunities.

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## CONCLUSION

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I have dedicated a significant portion of my life as a lawyer to the service of the NBA. I was the Chairman of the NBA-SBL from 2016 - 2018, I was the Co-Chairman of the Technical Committee that organised the 2019 Annual General Conference, and I have been a longstanding member of the NBA National Executive Committee. In the preceding two capacities, I worked with teams comprising very motivated lawyers to steward the NBA-SBL to greater heights and to organise a highly successful national conference for the NBA, respectively.

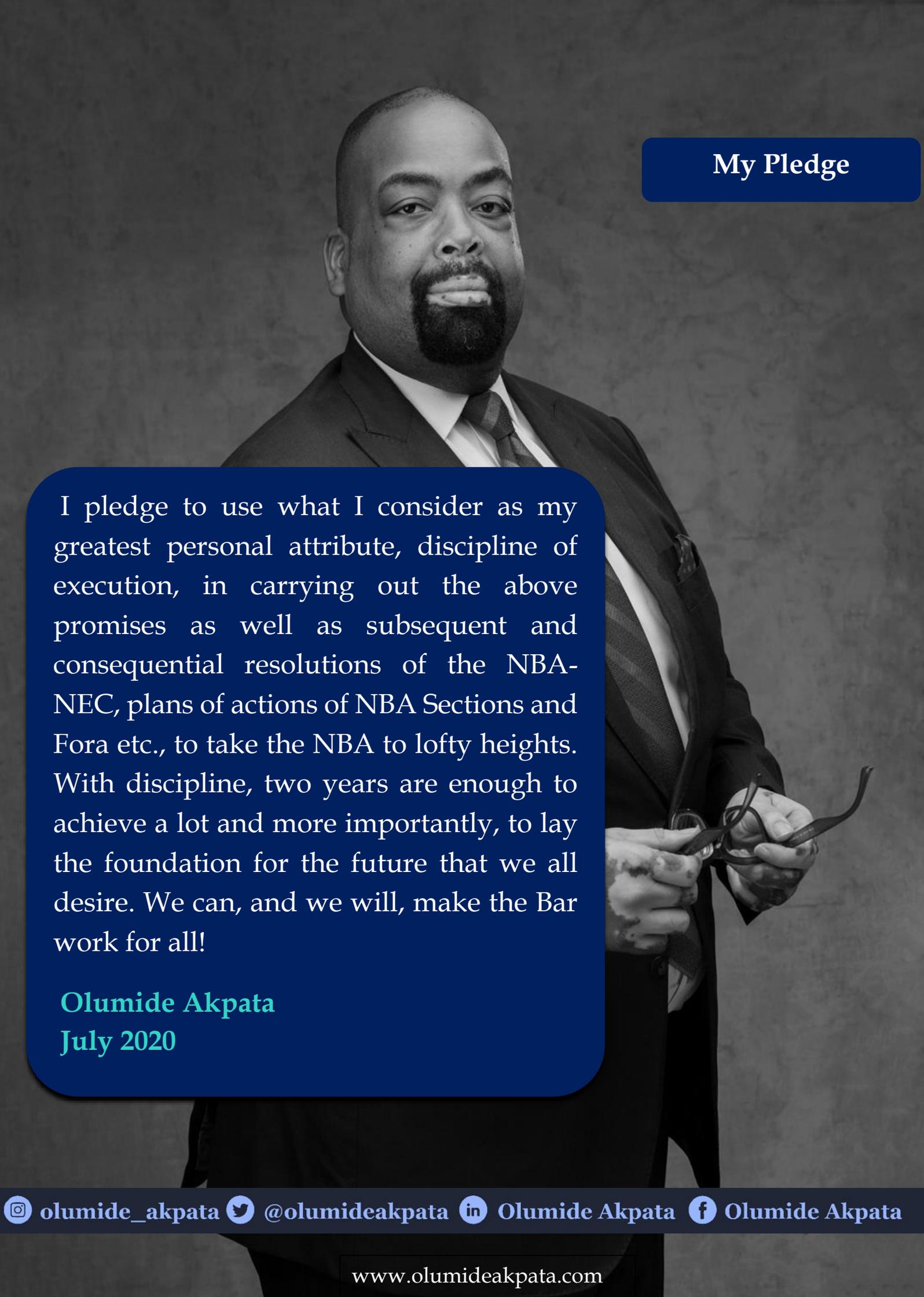
As may have become apparent from the preceding paragraphs, I believe strongly in teamwork and in the power of collective action. A core component of this belief is the knowledge that a team is only as strong as its

weakest link. This is why I devote my time and resources to capacity building and the welfare management of every lawyer I can reach, especially the young ones amongst them.

If given your mandate, I will work to institutionalise this belief system in the NBA to ensure that the NBA adequately caters to the welfare and professional competencies of Nigerian lawyers.

For several years, myself, and other lawyers like me, have done our best to promote access to justice and the rule of law, to ensure capacity development, and to guarantee the welfare of our colleagues. I have realised that our efforts are personal to us and are only a band-aid. To guarantee the long-term sustainability of these efforts, we need to build the NBA into a strong institution, with these objectives at its core.

I believe that I have the experience, the network, the passion, commitment, time and the courage to midwife the metamorphosis of the NBA into the strong institution we all want it to be. I acknowledge the successes achieved by other Presidents of the NBA - especially as they relate to the universal electronic voting system, the stamp and seal regime, Life insurance and other welfare schemes for lawyers, financial accountability and transparency etc. With your mandate, we will improve on and strengthen these achievements, deepen their institutional roots and build a stronger NBA on the foundations laid by past leaders.

A black and white portrait of Olumide Akpata, a man with a goatee, wearing a suit and tie, holding his glasses. The background is a textured grey.

## My Pledge

I pledge to use what I consider as my greatest personal attribute, discipline of execution, in carrying out the above promises as well as subsequent and consequential resolutions of the NBA-NEC, plans of actions of NBA Sections and Fora etc., to take the NBA to lofty heights. With discipline, two years are enough to achieve a lot and more importantly, to lay the foundation for the future that we all desire. We can, and we will, make the Bar work for all!

**Olumide Akpata**  
**July 2020**