

2013 CALL TO BAR SPEECH

SPEECH BY HONOURABLE JUSTICE ALOMA MARIAM MUKHTAR, GCON, CHIEF JUSTICE OF NIGERIA CHAIRMAN, BODY OF BENCHES ON THE OCCASION OF THE 2013 CALL TO BAR CEREMONY ON 28TH DAY OF NOVEMBER 2013 AT THE INTERNATIONAL CONFERENCE CENTRE, ABUJA.

Let me start this speech by congratulating those of you who have successfully made it through the painstaking and tedious training required for passing the bar exams. Today, you are being celebrated by family, friends and other wishers for making it a reality in this long dream of becoming a Legal Practitioner, and from us here you are henceforth referred to as colleagues.

Legal Education in Nigeria is undertaken in two phases, the first phase is the teaching of substantive law courses and is handled by the accredited law faculties in the universities, while the second phase (which is largely dependent upon the successful completion of the first phase above) is the teaching of practical use of the rights, interest, liabilities of substantive law are pursued.

I believe all of you seated here must have gone through rigorous academic process, and have been sponsored by two Benchers and certified fit and proper in conduct, character and learning. You must also have been enlightened on the social etiquette of the profession by attending the customary three dinners and cocktails organized by Body of Benchers; two of which must have been observed while in Law School and the third which you will shortly observe having earned it through hard work, diligence, good manners and adherence to the rules and conduct.

As worthy ministers in the temple of justice, allow me to point out a few rules and principles that you must constantly hold as your watchword in the cause of your voyage as Legal Practitioners in Nigeria.

The first and as a general principle is that you must respect the fact that as counsel, you have a duty to the court. Duty is an obligation which could be legal or moral in nature. It must be an apparent risk in the event of non-compliance. It is an obligation recognised by law, requiring the actor

to conform to certain standard of conduct for protection of others against unreasonable risks. Duty creates responsibilities. The duty of counsel is the obligation and the responsibilities of counsel to court. These duties are imposed not for personal aggrandizement of the incumbent Judge but to maintain at all times the dignity of the profession.

The duty of the Legal Practitioner to the court may be divided broadly into;

- * His duty as an officer of the court to assist the court in the administration of justice;
- * His duty to observe court decorum and etiquette;

Duty of Legal Practitioner as an officer of the Court

Rule 30 of the Rules of Professional Conduct for Legal Practitioners, 2007 describes the Legal Practitioner as an officer of the court and accordingly, he shall not do any act or conduct himself in any manner that may obstruct, delay or adversely affect the administration of justice. Thus the duty of a Legal Practitioner as an officer of the court may be examined in different perspectives and they include;

Respect of the court, rule 31 (1) of the Rules enjoins a Lawyer to always treat the court with respect, dignity and honour to enhance the smooth administration of Justice. And where he has a complaint against any Judicial Officer, he should forward the complaint to the appropriate authorities. The current practice of granting media interview, wig and gown in hand is inappropriate and a gross violation of the rules and ethics of the legal profession. By Rule 35 of the Rules, Lawyers before a judicial tribunal are enjoined to accord it due respect, courtesy and dignity.

It follows from the combined reading that the same respect expected from the Legal Practitioner in Court under Rules 31(1) and 35 is also expected from us outside the Court.

Relationship to and Communication with the Court

A Legal Practitioner must not attempt to influence on the Court improperly nor give the impression or

allow the impression to be created that the Court can be so influenced. Examples include, discussing a case with the Judge in Chamber or even outside the Court in the absence of the opposing counsel.

Also, a Legal Practitioner should not show attention, unusual favour or hospitality to a Judge. He should avoid anything calculated to gain or having the appearance of gaining special personal consideration or favour from a Judge.

Preparation of the case

A Legal Practitioner should make every reasonable effort to prepare himself before Court appearance, he must ensure that all papers are duly filed and served, a legal practitioner must be fully prepared to go with his case and not waste the time of the Court by seeking unnecessary adjournment, it is his duty to expedite trial and assist in quick dispensation of Justice. The Court may refuse application for adjournment where it is necessary and in the interest of justice. A legal practitioner must do everything possible to avoid delaying and wasting the time of the Court.

Punctuality

A Legal Practitioner should be punctual in all Court appearance and whenever possible, should give prompt notice to the Court and other counsel in the case of any circumstances requiring his tardiness or absence. Where a legal practitioner cannot attend Court sittings; he must obtain the leave of court.

Presentation

A Legal Practitioner must conduct his case in logical sequence. Thus he assists the Court to follow the case with ease. The Legal Practitioner must also show seriousness of purpose, frankness and honesty. It is also the duty of the Legal Practitioner to help in the administration of justice and not mislead the Court.

Courtroom decorum and Etiquette

The behaviour of legal practitioner in Court is governed by our rules which have developed over the years and have served as a guide to legal practitioners.

Some of the important matters to be borne in mind relate to dress, courtesy, addressing the court, reference to judges, citing law reports and the reference to other counsel:

i. Dressing

A Legal Practitioner should always be attired in a proper and dignified manner and abstain from any apparel or ornament calculated to attract attention.

ii. Courtesy

Every Legal Practitioner should treat the Judge and Magistrate with utmost courtesy. As a matter of practice, every Legal Practitioner must rise and remain standing when the Judge or Magistrate arrives in court, takes his seat, bows and counsel bows in acknowledgement. Also, counsel should show courtesy to one another and very importantly must accord due respect to their seniors.

iii. Addressing the Court

Every Legal Practitioner should know the correct mode of addressing the Judge and professional colleagues and also must rise when addressing the court except when in Chambers.

The various modes of addressing the court include: Magistrate - Your Worship, Customary Court Judge - Your Honour, High Court Judge - My Lord/Your lordship, Court of Appeal/Supreme Court - My Lords, Legal Practitioner - My Learned Friend.

Thus, advocates have a professional duty to extend professional courtesies to Judges as well as fellow legal practitioners and not use rude language to them.

Overall, the legal profession proudly proclaims itself an honourable profession. As Lawyers, honour comes first and fees second; the profession has a code of honour which requires its members to be obedient and it is a code of honour which demands on the part of every Lawyer, strict probity and the faithful discharge of his manifold duties which includes, duties to the community, duties to the public, duties to the client, duties to his professional colleagues and above all duties to the court. I urge you all to always be guided by the blanket rule of the Rules of

Professional Conduct for Legal Practitioners, 2007, and ensure that you desist from unprofessional acts and conducts against the ethics of the Profession as clearly spelt out in Rule 1 of the Rules. Rule 1 provides:

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

In conclusion, I hereby charge you all the new wigs to be true and just. Let me once again felicitate with you, having successfully gone through the vicissitude of studying law and ultimately passing the bar final examinations. May I on this note welcome and admit you all as Barristers and Advocates of the Supreme Court of Nigeria.

I thank you for your kind attention.

Hon. Justice Aloma M. Mukhtar, *GCON, CJN, Chairman BOB March 2013 - March 2014.*