



**ADDRESS AT THE SPECIAL COURT SESSION OF THE
SUPREME COURT OF NIGERIA TO MARK THE
COMMENCEMENT OF THE 2023/2024 LEGAL YEAR AND
CONFERMENT OF THE RANK OF SENIOR ADVOCATE OF
NIGERIA**

BY

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**HELD ON MONDAY, 27TH NOVEMBER 2023
AT THE MAIN COURT ROOM, SUPREME COURT
COMPLEX, THREE-ARMS ZONE, ABUJA, NIGERIA.**

PROTOCOLS:

My noble Lords, Your Excellencies, Distinguished Colleagues, it is my utmost pleasure to attend the solemn ceremony marking the commencement of a new Legal Year of the Supreme Court and formal conferment of the coveted rank of Senior Advocate of Nigeria (SAN) on eminent colleagues, who have been found suitable and worthy in character and practice of the law, having scaled the tedious selection process and requirements of the Legal Practitioners Privileges Committee.

2. Today's ceremony, encapsulating two noteworthy events in our most noble profession, is of particular significance for me. It is the first of its kind I would be attending in my current capacity as Attorney-General of the Federation and Minister of Justice some ninety six (96) days ago.

3. I wish to commend their noble Lords, the Honourable Justices of the Supreme Court of Nigeria, for their dedication and hard work in the outgone legal year amidst some inherent challenges. In April 2023, my Lord the Chief Justice of Nigeria disclosed that the Supreme Court had delivered 272 judgments, midway into the 2022/2023 Legal Year, in civil, criminal and election related Appeals under immense pressure. The number of judgments, no doubt, must have increased by the time the court proceeded on vacation in July 2023. This is a testament to their lordships' due diligence, industry, and endurance.

4. I recall that during the 2022/2023 legal year ceremony in November 2022, My Lord, the Honourable Chief Justice of Nigeria disclosed that the pending (backlog) civil appeals stood at 4,741, criminal appeals 1,392, while moribund appeals constituted 751 in number; thereby bringing the total number of pending appeals before

the apex court at the time to 6,884. These worrisome statistics must have increased going into the 2023/2024 legal year. I also wish to pay tribute to the memories of the retired or departed Justices of the Supreme Court who were part of its success in the outgone legal year.

5. The foregoing is no doubt a very concerning situation that must be holistically addressed if we are to get the best of our Supreme Court and indeed their lordships. We must begin to develop innovative solutions towards enhancing the working capacity of the Supreme Court, cutting down on the number of appeals that gets to this Honourable Court, implementing critical judicial reforms, as well as adopting alternative dispute resolution mechanisms.

6. I am aware that the process of filling the vacancies for the Justices of the Supreme Court has begun. I would however like to use this opportunity to urge the leadership of the National Judicial Council to fast-track the process of achieving a full complement of the Supreme Court and to also concurrently put in place the process of filling the consequential vacancies that will be occasioned at the Court of Appeal to avoid undue delay and minimize disruptions at that level.

7. The administration of President Bola Ahmed Tinubu, GCFR has severally expressed readiness to implement judicial reforms with the cooperation of the judiciary. We, therefore, earnestly await the judiciary to set the ball rolling to enable the other arms play their part in this critical aspect of nation building.

8. Let me now progress to the second reason for our gathering here today, which is to felicitate with 58 of our illustrious colleagues who have just been adorned with the revered regalia of learned silk. It is indeed with a high sense of nostalgia and elation that I congratulate you all on this worthy professional attainment. The conferment of the rank of the Senior Advocate of Nigeria (SAN) is not just a recognition of excellence for those conferred but it is also a motivation for those aspiring to be admitted into the inner bar.

9. I also wish to commend the Legal Practitioners Privileges Committee (“LPPC”), and all stakeholders who have contributed their quota to the emergence of the new silks, for the yeoman job you are doing over the years to reward excellence, ethics and perseverance as

well as sustaining standards in the legal profession. I enjoin the LPPC, Nigerian Bar Association, and the Body of Senior Advocates of Nigeria not to relent in maintaining and enforcing a continuous culture of Excellence, Legal Ethics, Scholarship, and Professionalism in the practice of law in Nigeria. I must state emphatically that the process that led to the conferment of the rank on those who have just been conferred today is one of the most credible processes I have participated in since I had the privilege of becoming a member of the LPPC some years back.

10. To the new silks, I warmly welcome you to the inner bar. It is indeed a remarkable privilege to be chosen and decorated with honour amongst your colleagues. As the name of the LPPC implies, the conferment of the rank of SAN is a privileged position for the deserving only. Every visionary professional, strives to attain the apex of such profession. Expectedly, the rank is being conferred on worthy advocates, as a prestigious honour, in recognition of their excellence in advocacy and leadership role in the field of law or legal practice.

11. Your new and enviable status demands that you must be honest and maintain professional standards at all times within and outside the court room towards the judex, colleagues, clients, and the public in general. You must maintain very high standard of professional conduct in the discharge of your duties. Being a privilege also means that it can be lost or taken away, it is worthy of note that under the new rules once a name is struck off there is no provision for restoration of the name to the roll, therefore, you must continue to sustain the standards and qualities for which you were considered worthy of the rank *ab initio*.

12. I wish to remind you that your new status comes with its peculiar privileges, benefits, challenges and responsibilities. Your preoccupation should not be limited to the privileges and pecuniary benefits associated with the rank. You are required to advance the course of justice, rule of law, promotion of the image or rating of the judiciary and legal profession as worthy ambassadors. You should always be willing and ready to exhibit exceptional understanding and knowledge of the law, contribute to legal education. The development

of the legal profession rests on your shoulders. You must therefore advocate for technological and modern innovations that will bring the practice of law in Nigeria in line with global standards.

NO RESTORATION OF THE RANK AFTER WITHDRAWAL

13. Gentlemen, as you are being welcomed to the Inner Bar it is important to remind you that you are the first set of Senior Advocates of Nigeria to be elevated under the provisions of 2022 GUIDELINES FOR THE CONFERMENT OF THE RANK OF SENIOR ADVOCATE OF NIGERIA AND ALL MATTERS PERTAINING TO THE RANK. I am sure you have read some of the highlights in the new Guidelines, in particular, paragraph 26(4) of the new Guidelines. Whether or not you have read the paragraph, let me seize this opportunity to bring it out. One of the highlights of the new Guidelines is that unlike the 2018 Guidelines which contains provisions for discipline of erring holders of the rank and for the restoration of the rank after three years of withdrawal upon the fulfilment of certain conditions, the 2022 Guidelines makes no provision for the restoration of the rank after withdrawal. In other words, once the Legal Practitioners Privileges Committee pursuant to the provisions of Paragraph 26(4) of the Guidelines withdraws the rank from any holder who may have breached the provisions in sub-paragraph (a)-(h), the withdrawal is final and the rank cannot be restored afterwards. It therefore behoves on any Senior Advocate of Nigeria to strive to conduct himself in utmost professional standards and to avoid running foul of the Rules of Professional Misconduct for Legal Practitioners.

PARTICIPATION IN MEDIA TRIAL

14. One of the areas you must avoid like the plague is the unwholesome practice of engaging in media trial of cases pending before the courts. It is unprofessional for a legal practitioner nay a Senior Advocate of Nigeria to be seen engaging in the analysis of cases pending before the court. It is fast becoming a sad norm and

regrettably so for legal practitioners to appear at television or radio stations discussing pending matters. We have also seen lawyers after court sitting discussing on what transpired in the proceedings. You must resist the urge to engage in such practice. You must also reject temptation by media houses inviting you to analyse or discuss pending matters. The doctrine of sub judice enjoins lawyers and even members of the public to refrain from commenting and discussing live cases. You should not be seen breaching this doctrine. However, where judgment has been delivered in a given matter, lawyers and the public are free to analyse and discuss the decisions without impugning the integrity of the judicial personnel involved or attacking the professional competence of counsel involved in such matters. As leaders in the Bar you should resist the urge to engage in such unbecoming conduct. It is therefore, your abiding duty to promote the integrity and independence of the judiciary at all times. Every worthy professional in the world seeks the good and progress of their profession. We the members of the legal profession cannot afford to ignore our nobility by publicly denigrating or ridiculing the judiciary and by extension the profession by our actions and utterances. We can only do so to our own peril. I am not advocating that we should condone or tolerate short-comings or any form of misconduct, but we must follow accepted procedure and channels to avoid collateral and collective damages. Your coming on board at such a challenging time as this requires that you passionately seek to enhance or achieve a paradigm shift from the status quo by avoiding infamous conducts that would further damage public perception about our court system, being mindful of the fact that the importance of public confidence in the judiciary cannot be overemphasized.

MENTORSHIP

15. Having been elevated to the Inner Bar, you are now regarded as part of the leadership in the profession. However, you are still amenable to the mentorship of the very senior elders at the Inner Bar.

Law is a dynamic profession. We learn every day and the seniors are there to play the role of mentors. You are therefore in a unique position of still being mentored by the elders in the Inner Bar while at the same time acting as mentors to the younger colleagues at the Bar. You must therefore be good mentors by showing good examples in and outside the court room. I believe that the one-day Induction Course organised by the BOSAN in Lagos last week would go a long way in assisting to appreciate the tasks ahead and how to go about them.

16. As legal practitioners, we act as the conscience and gate-keepers of the legal profession. Legal practitioners must restrain from abusing their privileged position as the link between the litigants and the judiciary. It is not the exclusive prerogative of litigants to determine which cases get filed in court, or which judgment goes on appeal. We must be firm in sieving these cases in order to avoid filing of frivolous cases or appeals which clogs the already congested court dockets. In this wise, I wish to recommend to you the wise admonition of His Lordship, **DAHUNSI OLUGBEMI COKER, JSC** in **ADEWUNMI V. PLASTEX (NIG) LTD (1986) LPELR-164(SC)** at **(P. 24, paras. B-C)**, thus:

"Every lawyer upon his own responsibility must decide what cases he will bring into Court for plaintiffs and what cases he will contest in Court for defendants. His is the responsibility for advising as to questionable transactions, for bringing questionable suits and for arguing questionable defences. He cannot escape it by arguing as an excuse that he is only following his client's instructions."

17. On this note, accept my congratulations on your ascendancy to the zenith of your professional career as advocates and this attainment should not be a mere badge or right for bragging and showoff. You must remain true to the calling of being advocates in the

temple of justice, which was what earned you the conferment of this prestigious rank.

18. In closing, My Lords, Your Excellencies and Distinguished Colleagues, I wish to utilize this opportunity in wishing your Lordships good health in body, spirit and soul required for a most successful legal year full of remarkable milestones. I also wish our new learned silks God's guidance and best wishes in your future endeavours as Senior Advocates.

19. I thank you all for the audience and your kind attention.

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Monday, November 27, 2023