

**AN ADDRESS PRESENTED BY THE CHAIRMAN, NIGERIAN BAR ASSOCIATION PORT HARCOURT BRANCH, MRS. CORDELIA UWUMA EKE, AT THE 2024/2025 OPENING OF THE LEGAL YEAR SESSION HELD ON THE 17<sup>TH</sup> OF OCTOBER, 2024.**

**“A TIME FOR COURAGE IN DEFENCE OF DEMOCRACY AND THE RULE OF LAW”**

**1.0 PROTOCOLS**

- Your Excellency, the Governor of Rivers State, Sir Joseph Siminalayi Fubara GSSRS
- Your Excellency, the Deputy Governor of Rivers State Prof. Ngozi Ordu DSSRS
- My lord, the Honourable, the Chief Judge of Rivers State, Hon. Justice Simeon Chibuzor Amadi DSSRS
- My lord, the President of the Customary Court of Appeal, Hon. Justice Ihemnachor Obuzor DSSRS
- The Rt. Hon. Speaker of the Rivers State House of Assembly
- My lords, of the higher bench at the state and federal levels, serving and retired;
- The honourable Attorney-General and Commissioner for Justice, Rivers State Israel Dagogo Iboroma SAN
- Learned Senior Advocates of Nigeria
- Your Worships, Magistrates of the Rivers State Magistracy
- My brother Chairmen of the 7 branches of the NBA in Rivers State
- My lords, spiritual and temporal
- Learned colleagues
- Members of the 4<sup>th</sup> Estate of the realm
- Distinguished ladies and gentlemen

**2.0 PREAMBLE**

We are here gathered today to observe an annual ritual of the legal profession, obtainable, not only in Nigeria, but most Common Law jurisdictions. The opening of legal year ceremony dates back to about 1897 in England. It is recorded that the ceremony commences in the month of October, with judges arriving in a procession

from the Temple Bar to Westminster Abbey for a religious service, followed by a reception known as the Lord Chancellor's breakfast usually held in Westminster Hall. Thus, what we are doing today is in sync with global best practices, and an integral part of the legal profession.

The legal year ceremony is one of the rare occasions in which the leaderships of three arms of Government in the state congregate to address issues pertaining to the legal profession and the various roles played by the respective organs as it affects society. It is an opportunity to reflect, introspect, challenge and offer solutions to issues of the legal profession, particularly as they affect the society and our dear state.

I must pause at this juncture to state that I feel greatly honoured to be the mouthpiece of the Bar at this auspicious occasion, and I consider it a great privilege, which I pray for grace to discharge to the satisfaction of my principals- members of the Bar.

### 3.0... THE ROLE OF THE BAR AND BENCH

It perhaps may be necessary to reiterate that the Bar comprises legal practitioners in public service, corporate employment and private practice. The Nigerian Bar Association as the umbrella body of legal practitioners in Nigeria, thus has the responsibility to protect the interest of its members, wherever they may be found, as well as to serve as a watchdog for society, and to defend the integrity of the judiciary, to ensure that the rule of law is upheld at all times.

Within the last legal year, the Bar in Rivers State has recorded some successes, including the conferment of some of its members with the rank of Senior Advocate of Nigeria, elevation of some members to the bench at the state and federal levels, with appointments into various offices by the State and federal government. The Bar has also witnessed change of leadership in most of its branches which conducted successful elections, resulting in new Chairmen in Okrika, Bori, Degema, Isiokpo Branches, as well as the first female chairman in NBA Port Harcourt Branch. I am pleased to say that the Chairmen have thus far worked in synergy, cooperation

and singleness of purpose. One can also say that the bar leadership today is fully alive to its responsibility and sold on the need to maintain the integrity of the legal profession, support democratic processes in the state and defend the rule of law in the interest of peace and development in Rivers State. The various branches have also continued to do the best within the limits of our resources to cater to the welfare of members through various programs and policies. Only recently, NBA Port Harcourt branch approved a basic Health insurance scheme for its members to be funded from dues paid to the branch. No doubt it would mean a huge dent on the finances of the branch, but we, in this administration consider the health of our members to be of paramount importance. It is also important to mention that all branches of the NBA in the state successfully fielded delegates and some resource persons to the last NBA Annual General Conference in Lagos and all who went returned home with no casualties. It was indeed a memorable conference experience for most lawyers, despite the harsh economic climate, in terms of welfare, as many lawyers were afforded free transportation to and from Lagos, free accommodation, including the unifying Rivers Night event which saw healthy competitions amongst branches and a showcase of the rich culture of Rivers State in Lagos. This was all made possible thanks to the sponsorship of the Rivers State Government, by virtue of the magnanimity of His Excellency, Governor Siminalayi Fubara. The Bar is very grateful to Your Excellency for the support. In fact, the young lawyers of Port Harcourt branch have asked me to special convey their gratitude to your Excellency, for all the freebies they enjoyed at the conference, including the shuttle buses that conveyed most of them to and from the conference venue. On behalf of the Bar I say a big THANK YOU. May I also commend Your Excellency on your acceptance to host the NBA Annual General conference 2025 in Rivers State.

As the branches however strive to cater to the welfare of their members, they are faced with the challenge of maintenance of branch facilities being used by members. Some branches presently do not have functional Bar centres as some of them are yet to be completed. Others have bar centres which are in dire need of renovation, with a lot of pressure passing on to the NBA Port Harcourt Branch house whose facilities are made available to other branches free of charge, save for expenses. Many branches also have very old buses in various stages of disrepair,

having served them for several years. Imagine for example Port Harcourt Branch with about 7,000 members, having only 1 functional bus presently. The branches would appreciate the further kind assistance of his Excellency with respect to our bar centres and branch buses.

In truth, it has not all been rosy for the Bar in the past year, as we have also lost some of our members, young and old to the cold hands of death. May their souls rest in peace. We are grateful to My Lord the Chief Judge for always accommodating our requests for valedictory sessions even at short notice.

This brings me to the case of Late Solomon D. Braide Esq, whose demise brought to the fore a regrettable malady with respect to the swearing-in of judicial officers recommended by the National Judicial Council (NJC). Late Solomon Braide was a distinguished legal practitioner in his lifetime, until he encountered health challenges late in his career. In the year 2014, he was cleared and recommended by the NJC for appointment as a Judge of the High Court of Rivers State and was set for swearing-in by the sitting Governor of the State. Unfortunately however, he was not sworn in with others similarly recommended, due to problems with his eyesight. Late Mr. Braide had already ceased his law practice from the time his recommendation was announced and was not heard of at the Bar anymore until his demise. The question then arose- was he a member of the bar or the bench as at the time of his demise? Who takes responsibility for the courtesies due him as a legal practitioner? It took a joint session of the bench and bar to agree to accord him the honour of a valedictory, but the question remained unanswered.

My Lord, this situation highlights the plight of several other legal practitioners recommended for appointment as Judicial officers by the NJC, and duly publicised, but who, for sundry reasons, are not sworn in by the State Governor. The tradition is that once announced as recommended for appointment into a judicial office, such a person ceases to appear as Counsel in any court and stops further activities as a member of the Bar, as he or she is considered a Judge in equity. This invariably means a loss of income, friends and other relationships considered incompatible with the judicial office. Imagine being in such a state of limbo for 1 year, talk less of five years or more. The uncertainty, hardship, trauma and humiliation should

better be imagined than experienced. We have living witnesses here. We therefore look forward to a Practice direction clearly defining the position of lawyers found in such circumstances, either for them to continue with their law practice until sworn into office, or that they be regarded as being members of the bench, to avoid the late S.D. Braide dilemma in future.

In the same vein, the Bar would like to appreciate His Excellency, the Governor for remedying one of such cases by swearing in the Hon. Justice D. J. Stevens after several years of being in limbo. We also thank your Excellency for restoring the dignity of the Magistrates affected by the unfortunate executive action. We however also appeal to the State Government to compensate the judicial officers who have been similarly effected in the recent past, whether retired or serving, for the loss of income within the period they were kept inactive, awaiting swearing-in, as they may well have incurred debts in a bid to sustain themselves and family. We know our Governor is a kind hearted man and fair minded man and always feels the pulse of his people.

In rounding up the issues with respect to the Bar, I would like to draw attention to the plight of lawyers employed in the public service, both in the judiciary and the Ministry of Justice. Incidentally, the Law Officers in the Ministry of Justice and Magistrates are on a uniform employment and salary scale. By virtue of the JUDICIAL AND LAW OFFICERS (MISCELLANEOUS PROVISIONS) LAW, CAP 72, VOL.4, LAWS OF RIVERS STATE 1999, their entitlements and benefits are statutorily guaranteed. However, our colleagues in these offices have cried out that the said allowances and grants have remained unpaid by Government for several years now, especially the car grants and robing allowances. It is indeed pathetic to see these government lawyers and Magistrates who handle sensitive cases jumping buses and sometimes residing in unsecure environments. This exposes them to security risks and attacks from unscrupulous members of the public against whom they may have taken a position in a case. The car grant was last paid to Law Officers in 2008, while the robing allowance has remained unpaid for the past five years. For the Magistrates, it may be recalled that the last Government administration promised them their own residential quarters or grants similar to what is was graciously made available to the Judges. However, this is yet to materialize and

many of them have to look over their shoulders while carrying out their duties, some retiring to reside in the same environment as those convicted during their career. It must be acknowledged that the present Government has been alive to its role with respect to newly appointed Magistrates, but we do appeal that the older Magistrates should not be left out as they have borne the burden of cases at the lower court for years and should have something to look forward to upon retirement. We also make the same appeal for the newly appointed Customary Court Chairmen, yet to be given their vehicles.

Truth be told, Lawyers in the civil service are unlike other civil servants because they are guided by a code of ethics and regimented dress code which needs to be replaced and maintained regularly, in order to accord with the dictates of the legal profession.

Another special group of lawyers are the Legal Assistants to the judicial officers. These colleagues are employed by the Judicial Service Commission based on their professional qualification. Upon employment they however found themselves confined to the cadre of Senior Registrars who are non-lawyers, while they are carrying out duties as legal practitioners. This is a very de-motivating state of affairs and we are aware that they have made several representations in the past to have this situation addressed, but without result. We therefore appeal to Your Excellency to cause the situation to be remedied.

May I use this opportunity to decry a situation where senior lawyers in the civil service would be posted to Agric farms as punitive measures. This is very demeaning for a lawyer and also a loss of much needed manpower and legal expertise, and should be discouraged. Also unfair is a situation where hardworking lawyers in public service are denied promotions or benefits due them because of political reasons. Politicization of professional duties leads to promotion of mediocrity and incompetence.

Indeed, I know that I need not say much about lawyers in the public service knowing that Your Excellency is proudly a product of the Civil Service in the state, of which I am also a proud member. We know that the Rivers State Civil Service has the capacity to produce the best officers if they are adequately provided with the

necessary working tools and their welfare catered to. May I also state that it is my belief that giving attention to the welfare needs of Lawyers in public service will reduce the incidence of corruption and will also give the government the moral right to discipline erring officers when necessary.

In closing My lord, I cannot fail to mention that lawyers ply their trade in courtrooms across the state, but sadly, the deplorable condition of the courts in judicial divisions outside Port Harcourt have made it difficult for any legal business to be transacted therein. To mention but a few cases, it is gathered that in Okehi, reptiles now preside in the courtrooms, and in Ahoada, the court sits in the near dark with no light for 3 years. Some courts are also grossly understaffed and lacking security, with unkept environment. Many of the courts now sit in Port Harcourt, invariably defeating the purpose of establishing courts in such localities, and making it difficult for clients therein to pay for legal services, thus hampering access to justice. It is our fervent prayer and hope that these issues will be addressed this legal year to ensure that legal practice once more flourishes in other jurisdictions.

#### **4.0 RELATIONSHIP WITH THE EXECUTIVE**

My lord, at this juncture, I would like to, on behalf of the Bar in Rivers State, again commend His Excellency, the Governor of Rivers State, our awarding winning Governor, and role model in Nigeria. His Excellency's disposition to peace, progress, and development in the state in the face of constant provocation, has left many speechless and is now a reference point. I must confess that when sometimes I face a provocative situation, I ask myself the question- what if you were Governor Sim Fubara, what would you have done? This ofcourse always has an almost instantaneous calming effect. Thank you, Your Excellency for giving Rivers people hope in a greater Rivers State, thank you for restoring pride and dignity to the Rivers person. Thank you for leading by example and most importantly, thank you for making Rivers state a reference point for elections without violence, despite lack of security personnel. And thank you for quelling the fires set by enemies of democracy with your disposition to peace.

## **5.0 CONCLUSION**

In conclusion, it is pertinent to observe that upholding and defending the rule of law is a task not only for the legal profession, but every member of society, because that is what ensures sanity, order and progress. To do otherwise would encourage chaos, mayhem and disruption, which no doubt would typify the state of nature wherein life is “nasty, brutish and short” as postulated by the revered philosopher, Thomas Hobbes. Such retrogression does not happen in a day. It starts with allowing ourselves to be used to subvert the course of justice, and corrupt the judicial system. This is akin to poisoning the local stream from which your enemies drink, forgetting that the same poison would spread to the rest of the stream from where you and your families drink also. Why do we cut our noses to spite our faces? However, this is not a time for a blame game because we are all equally responsible for a deteriorating legal system; the lawyers, judicial officers, politicians, traditional rulers, elder statesmen and support staff in the legal profession. We are responsible when we hide casefiles, abuse court process, write wrong legal opinions, give judgements that even our conscience knows is wrong; when we tell untruths or half-truths, keep silent and fail to condemn evil when we should.

It is no longer news that Rivers State has been in the news for the wrong reasons in the past few years and our justice system has become a battleground of sorts. The integrity of the judiciary is being tested to its fullest and it is time for members of the Bench and Bar to show courage in the face of the storm and stand by their oath of office. The Bar on its part, promises to continue to protect our judiciary, not because they are infallible or without fault, being humans, but because they are the last hope of the common man and if their walls are broken down and eroded, it means all hope is lost for the society, of which we are a part.

We call on the political actors and those fanning the embers of discord in our state to bear in mind that Rivers State holds the economy of the country in its soil, and whatever affects Rivers State affects Nigeria as a whole. Now is the



time to speak up, now is the time to show courage, now is the time to stand and uphold the rule of law. The Bar in Rivers State has determined to play its role as can be seen from the Press statements and conferences held by the Chairmen of the eight branches of the NBA in the state and I so urge other stakeholders to do likewise. We will continue to do our part. Will you do yours?

Thank you and God bless Rivers State.

Cordelia Uwuma Eke (Mrs.) FICMC, ACI Arb(UK)