



NIGERIAN BAR ASSOCIATION

NATIONAL SECRETARIAT: Plot 1102, Muhammed Buhari Way, Cadastral Zone A00, Central Business District, Abuja Nigerian Tel: +234 800 333 1111
www.nigerianbar.org.ng

4 December 2022

Chief Wole Olanipekun, CON, SAN,
The Chairman, Body of Benchers,
Plot 688, Institute & Research District,
FCC Phase III, Abuja.

Dear Sir,

A CALL TO SALVAGE THE IMAGE, REPUTATION AND INTEGRITY OF THE BODY OF BENCHERS AND THE LEGAL PROFESSION, AND FOR THE CALL TO BAR CEREMONY SCHEDULED FOR 6 AND 7 DECEMBER 2022 TO BE PRESIDED BY, HONOURABLE JUSTICE MARY PETER ODILI, JSC, RTD – THE VICE CHAIRMAN BODY OF BENCHERS

1. The Body of Benchers has, since its establishment, seen some of the best legal minds this nation has ever produced. A roll call of its chairmen since 1971 simply showcases the integrity and honour of the profession – a collection of distinguished personalities of impeccable character. The list is our pride as lawyers, a representation of those who sacrificed their lives for the legal profession and gave us a platform upon which we learnt and now practice law. This Body to a great extent, houses the Hall of Fame of our noble profession with the likes of **Hon. Justice Adetunbo Ademola, GCFR, CJN; Hon. Justice Taslim O. Elias, GCON, CJN; Hon. Justice Augustine Nnamani, JSC; Hon. Justice Mohammed Bello, GCON, CJN; Hon. Justice G. S. Sowemimo, GCON; Chief Toye Coker, SAN; Chief Dr. G. C. M. Onyiuke, SAN; Chief T. O. S. Benson, CFR, SAN; Chief R. O. A. Akinjide, CON, SAN; Alhaji A. G. F. Abdul-Razak, OFR, SAN; Hon. Justice Kayode Eso; Chief F. R. A. Williams, CFR, SAN; Hon. Justice Mamman Nasir, GCON; Mr. Kehinde Sofola, SAN; Mrs. Hairat A. Balogun, OON; Alhaji Abdullahi Ibrahim, CON, SAN; Hon. Justice Umar F. Abdullahi, CON** – just to mention a few in no particular order from that list.
2. The composition of the Body is like no other in the Nation; a collection of the finest members of the legal profession on the Bench and the Bar as outlined in **Section 3(1)(a) – (l) of the Legal Practitioners Act Cap L11 Laws of the Federation of Nigeria 2004**. The presence of their Lordships, **Hon. Justice M. L. Uwais, CJN, Rtd; Honourable Justice M. A. Mukhtar GCON, CJN, Rtd; Hon. Justice Mahmud Mohammed, GCON, CJN, Rtd; Hon Justice Walter S. N. Onnoghen, GCON, CJN, Rtd; Hon. Justice I. T. Muhammad, GCON, CJN, Rtd.;** and now **Hon. Justice Olu Kayode Ariwoola, GCON, CJN** and other distinguished members of the Legal Profession, is a constant reminder of the prestige of this Body.

NATIONAL OFFICERS:

Yakubu Chonoko Maikyau, OON, SAN President

Adesina Adegbite, FICMC, General Secretary; Linda R. Bala (Mrs), 1st Vice President; Chukwuemeka Clement Ugo, 2nd Vice President; Amanda Ego Demechi-Asagba, 3rd Vice President; Caroline Ladidi Anze-Bishop, Treasurer; Chinyere Gladys Obasi, Welfare Secretary; Akorede Habeeb Lawal, Publicity Secretary; Daniel K. Kip, Assistant Secretary; Charles Ajiboye, FICMC, FCAI, ACIS Assistant Publicity Secretary

3. Mr. Chairman, I have, since assuming office as President of the NBA, expressed concerns over the negative impact of the email by **Adekunbi Ogunde** (as with so many other actions of our colleagues), on the Legal profession in Nigeria. In my inaugural Address on **26 August 2022**, I specifically referred to the email and the matters arising therefrom and said:

“It is important to emphasise that how these matters are eventually resolved by the LPDC and the Court, will go a long way in determining the continued relevance of the Bar, the confidence in which the Nigerian people will hold the legal profession and the eventual freedom which Nigeria will or will not enjoy. Put differently, the resolution of these matters one way or the other, will determine whether members of the legal profession in Nigeria either individually or through the instrumentality of the NBA, will be in position to provide the required leadership for the recovery, reformation and repositioning of Nigeria, to bring about the freedom we all need.”

I went on to say:

“...there are many voices that should have been heard but were not heard specifically on this matter. In my humble view, given the important critical nature of this issue to the continued relevance of the Bar as earlier noted, the silence of these leading lights in the profession, who wield enormous amount of influence not only amongst the members of the legal profession but also the Nigerian public at large, is already hurting the profession and ditto the Nigerian public. Let me add that it does not matter what their views are on the matter, they simply owe the profession and the Nigerian public a duty to not only wade into the matter, but also be seen to have done so. As I stated earlier, the ultimate outcome will either make or mar the legal profession in Nigeria”.

4. Mr. Chairman, I did not mince words about the devastating effect of that email on our noble profession of law and by virtue of the strategic position of this Body in showcasing the *crème-de-la-crème* of the legal profession in Nigeria, this Body must acquit itself of any complicity, albeit after the fact, in any act of professional misconduct.
5. In the address delivered by **His Excellency, Muhammadu Buhari, President, and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria**, at the commissioning of the Body of Benchers Complex on the **29 September 2022**, the President, underscored the prestige of this body when he remarked as follows:

“I consider this Body as critical to the legal profession. I say this, because the membership of the Body cuts across all facets of Government and the legal profession, particularly, the Executive, Legislature, Judiciary and the Bar.

Furthermore, all Justices of the Supreme Court, retired Chief Justices of Nigeria who are alive, President of the Court of Appeal and Presiding Justices, Chief Judges of the High Courts, the Federal and State Attorneys General, Chairmen of the Judiciary Committees in the two Houses of the National Assembly, leading members of the Bar and others constitute this Body.

I am unaware of any other institution or organ in the legal profession that draws its membership from all segments of the profession like the Body of Benchers. No wonder, the statute describes it as consisting of men of the highest distinction in the legal profession. (Underlining mine for emphasis)

6. This is how this Body is viewed by no less a personality than the President of the Federal Republic of Nigeria, and Mr. President was right! That was no flattery; that is who we are as members of the legal profession who are called primarily, by reason of the privilege of our training as lawyers, to provide leadership to the Nigerian people and the only way to do this is to constantly have our eyes on the need to do justice. This responsibility to deliver justice is directly connected to the survival of this nation and given the fact that the legal profession is the only profession that is trained in the subject of justice, the survival of this nation is thrust on our shoulders. That is why we are referred to as Ministers in the Temple of Justice. **Sheikh Usman Bin Fodio**, the founder of the **18th century Sokoto Caliphate**, made a profound statement when he said: *“a people can exist without religion, but they cannot exist without justice”*, and I cannot agree more. In other words, the existence of this country depends on the presence of justice, and it is the exclusive call on members of the legal profession to provide same.
7. Mr. Chairman, for us as members of the legal profession to discharge this responsibility, we must be in position to earn and command the confidence of the people. Needless to say, the confidence of Nigerians in the legal profession is at an all-time low and, like I observed in my Address during the 2022/2023 Legal Year Ceremony of the Supreme Court on 28 November 2022, the unfortunate situation is not unconnected with the conduct of members of the profession, both on the Bench and at the Bar.
8. It is for this reason that I must respectfully call on this Body to take definite steps toward regaining the confidence of Nigerians in the legal profession. The email by **Adekunbi Ogunde**, which presented this Body and indeed the entire legal profession in Nigeria, as one subject to and/or susceptible to manipulation by the Chairman, is the greatest damage ever inflicted on the legal profession in Nigeria and the psyche of Nigerians. Whatever confidence Nigerians may have had in the legal profession was drastically eroded by the content of that email, which gained wide publicity in the social media. For ease of reference and a better appreciation of the point being made, the content of the email is hereunder reproduced:

“My name is Adekunbi Ogunde and I am a Partner leading the oil & gas practice area in Wole Olanipekun & Co.

I am writing specifically in relation to the ongoing USD130 million case at the Rivers State High Court brought by the Rivers State Government against Saipem SPA, Saipem Nigeria, and others.

I believe that, you need a more influential lawyer/law firm to prevent a potential huge pay out to the Rivers State Government and without a doubt, I believe that my law firm, Wole Olanipekun & Co., can help in this regard.

A quick research about Wole Olanipekun & Co., will show that the law firm is the leading litigation firm that has helped other multinationals in sensitive, highly political matters. It will also reveal that the presence of our lead partner, Chief Olanipekun SAN, OFR, in the matter will significantly switch things in favour of SAIPEM. Chief Olanipekun SAN, OFR is currently the Chairman of the Body of Benchers, which is the highest ruling body in the Nigerian legal profession, made up of Supreme Court Judges, Presiding Justices of the Court of Appeal and Chief Judges of all State High Courts, including the Rivers State High Court. In order words, Chief Olanipekun SAN, OFR, is the head of the entire legal profession in Nigeria.

Wole Olanipekun & Co. has also helped other multinationals, such as in the famous cases of MTN tax dispute, Shell Petroleum, Equinor (former Statoil) dispute etc. avoid huge pay outs in more complex, sensitive and highly-political matters.

We are aware that another law firm is currently in the matter but you will agree that highly-sensitive and political matters require more influence. We are happy to work with the current lawyers to achieve the desired results.

I hope that you consider this so as to help SAIPEM avoid a huge pay out in claims and I am happy to set up a meeting to discuss further.
(Underlining mine for emphasis)

9. There is no gain-saying that this email has brutally hurt the legal profession; it made a caricature of the Nigerian Court system and brought the entire legal profession to abject disrepute. It is disgusting! That this lie was told and allowed to be fed to Nigerians is the greatest assault on our collective psyche. Why then do we go to Court if this was true? Of course, this is not who we are, but we would appear to celebrate the content of the email by our silence and the insistence by the Chairman to continue to preside over the affairs of this Body without any remorse whatsoever over the embarrassment which the entire legal profession is subjected to on account of the content of that email.
10. What is even more worrisome is the fact that, this Body did not in any way react to the email to demonstrate to Nigerians, that what was said of the Body and the entire profession was false and that the legal profession cannot be manipulated by the Chairman, or any other individual or group of persons. Interestingly, there was no

denial that the said email was indeed written, and whether the content of the email was authorised or not is immaterial to the impression created by its content. The only way this Body can demonstrate that it **“consists of men of the highest distinction in the legal profession”** is to come out and speak boldly against that negative narrative and refuse to celebrate it in anyway under any guise.

11. I am aware that the law firm of **Wole Olanipekun and Co**, has been excused from any liability regarding the email in issue, and I am not and will not question the correctness or otherwise of that decision. Suffice it however to say that the public reactions that trailed the emergence of that email and the decision exonerating the law firm would give a bit of insight into how this Body is presently being viewed by some members of the profession and the Nigerian public. A highlight of some of the comments are as reported in the social media are as follows:

- (a) Malcolm Omirhobo, Esq. said:

“It is an embarrassment to the entire legal profession for the BOB to keep mum and allow Chief Olanipekun to continue to remain in office as her chairman, clothing and enabling him with impunity and immunity. More damning and disgusting is the fact that the BOB stood by and watched Chief Olanipekun preside over the call to bar of 1,507 (One thousand, five hundred and seven) new wigs, polluting the minds of the green horns with sentiments. Just hear him out: ... For the BOB to gain the trust of the generality of members of the legal profession, it must itself at this point ask Olanipekun to excuse himself for the LPDC to carry out her lawful duty.”¹

- (b) An online news publication known as “TheNigerianLawyer” reported that:

“In a statement dated 25th July, 2022, issued by Aondona Tyolmun, the Network stated that “LAWNAC recognizes that as custodians of the highest distinction and guardians of the nobility in the Legal Profession, the leadership of the Body of Benchers must be seen to be above reproach.”²

- (c) Mr. Sylvester Udemezue, a lecturer in the Nigerian Law School observed as follows:

“It is unfortunate for anyone to think that this scenario is not remotely and proximately connected to Chief Olanipekun SAN; it’s shocking to hear any lawyer make such suggestions. On the contrary, may I humbly suggest that to appreciate whether or not it connects Chief Olanipekun SAN, one should just take Ms Adekunbi Ogunde’s letter and read it all over again! Although the Chief’s Law Firm has denied all allegations and imputation, I see no way this matter could be resolved with finality

¹ <https://themetrolawyer.com.ng/recuse-why-wole-olanipekun-san-must-step-aside-as-chairman-body-of-benchers-by-chief-malcolm-omirhobo/>

² <https://thenigerianlawyer.com/alleged-professional-misconduct-lawnac-calls-on-benchers-chairman-chief-olanipekun-san-to-step-aside/>

and to the satisfaction of the reasonable segment of the general public, (that justice has been done and seen to be done) if any investigation goes on with Chief Olanipekun SAN sitting as the BOB Chairman.”³

The learned law teacher continued with a reference to judicial authority to buttress his point and added that –

“In the Nigerian case of ZAMAN v. STATE (2015) LPELR-24595 (CA) the Court of Appeal took time to explain the rationale for the wide application of the Nemo Judex rule. The court stated: “... One important object, at all events, is to clear away everything which might engender suspicion and distrust..., and so to promote the feeling of confidence in the administration of justice which is so essential to social order and security”.⁴

Mr. Udemezue concluded by citing young lawyer’s social media comment in reaction to Adekunbi Ogunde’s email thus:

“...Young Lawyers ... don’t believe [that] these things are taken seriously. With every passing day, young lawyers are being given reasons to lose faith in the profession. We’re being given reasons to jump ship”.⁵

(d) Joshua Nwachukwu, a young lawyer expressed the following concerns:

“Many are quiet, but we can’t because we don’t want to inherit a dysfunctional and unethical Bar that will be irredeemable. If the senior lawyers think professional ethics is now irrelevant, they should eradicate it and let’s run “jankara” practice rather than cherry-pick at their convenience.”⁶

12. Mr. Chairman, I have just highlighted only a few of many such comments which are in the public domain, and which have been well fed into the psyche of members of the legal profession and the Nigerian public.
13. In the Keynote Address delivered at the **2022 Annual General Conference (AGC)** of the NBA by the internationally renowned Nigerian writer, **Chimamanda Ngozi Adichie**, observed that:

“The Nigerian Bar Association has shown that it is capable of boldness, of good troublesomeness, with its deeply admirable tradition of fighting

³ <https://thenigerialawyer.com/nbas-letter-to-chief-olanipekun-san-an-independent-fair-minded-investigation-devoid-of-pull-him-down-syndrome-and-sacred-cow-mentality-is-in-the-best-interest-of-all/>

⁴ ibid

⁵ ibid

⁶ <https://thenigerialawyer.com/legal-profession-currently-is-at-a-precipice-senior-lawyers-are-dragging-it-down-joshua-nwachukwu-esq/>

the abuse of executive power. But the story is incomplete without acknowledging the things that were and are a blight to that tradition.

Many Nigerians are disillusioned with our justice system. They believe that justice is for sale. That we can buy justice. And they have reason to believe this. They have seen the strange judgements in the courts, whether they be on election cases or commercial cases, which do not stand the test of fairness or the test of legal reasoning.

Nigerians have heard of legal retainers being obtained through bribes. They have heard of contract laws used to extort money from the government.

They have heard of lawyers who compromise their own clients for money. (This is not common but it does not have to be common to be something that needs to be addressed. One is too many.) It is, as a friend of mine put it, "like your own doctor deliberately giving you poison." If one single doctor deliberately gives poison to a patient, that act has consequences for the entire medical profession.

Nigerians are disillusioned because they know of senior members of the legal profession who act in unbecoming ways, and who do not voluntarily recuse themselves when they should.

Nigerians are disillusioned because they know of the decline of professionalism in some sections of the legal profession”

14. Mr. Chairman, I am not oblivious of the fact that my predecessor had by a letter dated **22 July 2022** called on the Chairman to recuse himself from the Chairmanship of the Body of Benchers. I believe that recusal by the Chairman should have been the very least of an individual action which the disgusting email ought to have elicited. Unfortunately, that did not happen. But beyond that, even if the Chairman had recused himself from the Chairmanship of the Body of Benchers, that by itself will not address the negative perception already created by the content of the email. ***A collective action of this Body is absolutely necessary and imperative in letting Nigerians know that the members of this Body are not who the email says they are, and no one can do to this Body what the email suggested the Chairman does and can do.*** At the very minimum, Mr. Chairman, you ought to recuse yourself if only to show some respect for what this Body stands for. Mr. Chairman, if those who preceded us in this profession had tolerated any form of assault on the legal profession, there would not have been one to which we belong today.
15. Nigerians look up to the legal profession and this Body cannot afford to be silent. To do so is to betray the confidence which Nigerians have in the legal profession. It was **Martin Luther King, Jnr** who said: ***“There comes a time when silence is betrayal”***. I believe we are at that time when the silence by the legal profession and this Body can pass for a betrayal of the confidence Nigerians have in the legal

profession. This Body cannot afford to betray Nigerians by keeping quiet in the face of this grave assault. No one is bigger than our dear legal profession!

16. The Secretary General of the Commonwealth, **Rt. Hon. Patricia Scotland QC**, described lawyers in the following words:

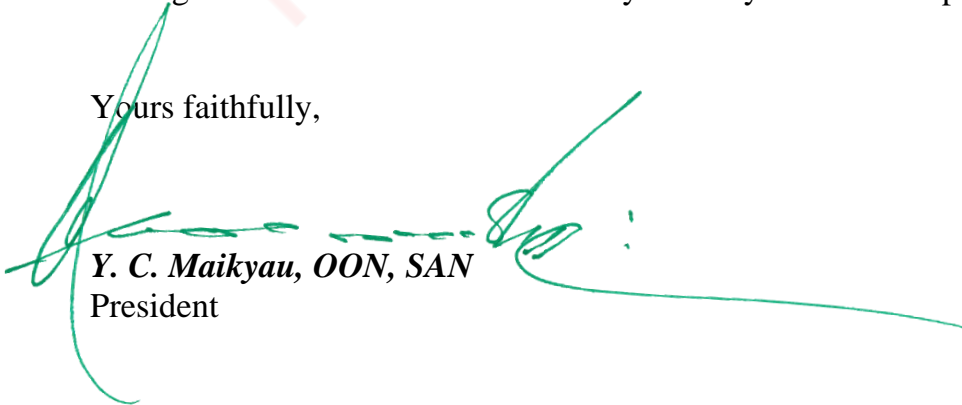
"We lawyers are a dangerous breed; we challenge, we refuse to let anarchy and unfairness and inequity reign. We stand in the gap. We refuse to be silent. We fight. Not with arms, but with words. We use the law as our weapon, and we wield it with skill and determination. We must teach the next generation to do the same... you play a central role in setting the parameters for the next generation of lawyers who will have the formidable task of safeguarding the rule of law in the new and challenging context in which we now live."

17. We must not allow younger members of the profession to have the slightest thought that the content of **Adekunbi Ogunde's** email is a template for legal practice in Nigeria. No one should be in any doubt that, the content of the email is condemnable and does not represent this Body and the legal profession. We owe the younger generation of lawyers the duty to speak and not be silent. My administration has committed to protecting the legal space for the benefit of the upcoming generation of lawyers. Not only are we resolved to resist any external incursions into the legal space, but we shall also equally resist any action that seeks to destroy the fabric of the profession.
18. I make this call on behalf of the NBA in furtherance of the Association's duty to protect the integrity of the legal profession, and to engender public confidence in the Judiciary and other institutions saddled with the administration of Justice in Nigeria. I am fully persuaded, if this approach is approved and adopted by this Body, it will mark the dawn of a new day for the Legal Profession in Nigeria and the eminent and distinguished members of this Body would have individually and collectively vindicated themselves from the negative insinuations and narrative created in the minds of the Nigerian public. It will herald the recovery, reformation, and repositioning of the legal profession and by extension our nation Nigeria.
19. To do otherwise will spell doom for the legal profession and the nation. The Recovery of this nation can only start with the actions of the Legal profession and there is no better time than now and no better Body than this to key into this crusade that the NBA has taken the lead to do.
20. We cannot celebrate that email with our silence; our forebears in the profession will cringe and turn in their graves if they could read its content. The conduct depicted therein is NOT the reason we celebrate Chief F. R. A. Williams, SAN; Chief G. O. K. Ajayi, SAN; Kehinde Sofola, SAN; Hairat Balogun, OON; Chief Folake Solanke, SAN; Aare Afe Babalola, SAN; Prince Lateef Fagbemi, SAN; Chief Anthony Idigbe, SAN; Mallam Yusuf Olaolu Ali, SAN; Chief Bayo Ojo, CON, SAN; Augustine Alegeh, SAN; Okey Wali, SAN; A. B. Mahmud, SAN; J. B. Daudu, SAN; O. C. J. Okocha, SAN; Chief A. O. Mogboh, SAN; Chief T. J. O. Okpoko, SAN; Salman Alhaji Salman, SAN; Prof Koyinsola Ajayi, SAN;

Abdullahi Ibrahim, SAN; Odein Ajumogobia, SAN; Bankole O. Aluko, SAN; Gbenga Oyebode, MFR; Miannaya Essien, SAN; Chief (Mrs.) A. J. Offiah, SAN; Funke Adekoya, SAN; Deacon Dele Adesina, SAN; Dr. Olisa Agbakoba, SAN; Dr. Onyechi Ikpeazu, SAN; Obafemi Adewale, SAN; Mr. Bashir Dalhatu, SAN; Arakunrin Rotimi Akeredolu, CON, SAN; Mr. D. D. Dodo, SAN; Kemi Pinheiro, SAN; Dorothy U. Ufot, SAN; F. Boma Alabi, SAN; Ebum Sofunde, SAN; M. D. Belgore, SAN; Mr. Jide Ogundipe – listed in no particular order – and a host of other very successful legal practitioners of the inner and outer Bar, who have kept faith with the Rules of Professional Conduct.

21. The profession has given us so much by the grace of God, and like the Secretary General of the Commonwealth said – as lawyers this is the way we must fight to bequeath a future to the young generation of lawyers and Nigerians. As Sir, Christopher Sapara Williams noted in his days, *“the legal practitioner lives for the direction of his people and the advancement of the cause of his country”*. This must be our pledge to our dear country Nigeria.
22. I have endeavoured to be as emphatic as I can in my submissions on this matter so as to leave no one in doubt that this is my firm persuasion. I have in writing this today, followed my convictions and discharged my duty to my conscience, to the legal profession and to Nigerians. Arakunrin Rotimi Akeredolu, CON, SAN, former President of the NBA, always admonishes us to follow our convictions, this I have done and this I will always do, so help me God!
23. In the circumstances therefore, and given the need for an urgent remedial action, I adopt the letter by my immediate predecessor-in-office dated **22 July 2022** and call for its immediate consideration. I also humbly call on the Chairman to immediately yield to the Vice Chairman of this Body – **Hon. Justice Mary Peter Odili, JSC, Rtd.**, to preside over the Call to Bar Ceremony scheduled for **6 and 7 December 2022**. We owe the younger generation of not only lawyers but Nigerians honest and sincere mentorship. To allow the status quo to remain in spite the colossal damage that has been done to the conscience of this nation – the legal profession, is to abdicate our responsibility to the nation.
24. Find attached as annexures A and B respectively, copies of the email by Adekunbi Ogunde and the letter dated 22 July 2022 by Olumide Akpata as NBA president.

Yours faithfully,


Y. C. Maikyau, OON, SAN
President

CC:

- 1. The Chief Justice of Nigeria,
Honourable Justice Olukayode Ariwoola, GCON**
- 2. All Life Benchers**
- 3. All Benchers**

