

# VALEDICTORY ADDRESS BY THE OUTGOING CHAIRMAN, BODY OF BENCHERS, CHIEF (PROF.) WOLE OLANIPEKUN, CFR, SAN ON THURSDAY, 30<sup>TH</sup> MARCH, 2023

## 1.0 PROTOCOLS

## 2.0 INTRODUCTION

- 2.1 It is written that: **“there is a season, and a time to every purpose under the Heaven...”**<sup>1</sup> **“a time to speak, and a time to be silent..., a time to embrace...”**<sup>2</sup> Drawing inspiration and analogy from the **Holy Writ**, I dare say that there is always a time to assume office, and a specific period to exit a particular office. Assumption of office might draw and attract a barrage of congratulatory wishes and the likes, but it is one thing for one to assume an office, with all the confetti of this world showered on him, it is another thing for him to discharge meaningfully and creditably the functions of the office and fulfil the mandate and goals, which he either sets for himself or is expected of him. A time like this doubles as a season for stock-taking and appraisal; and if one has any meaningful report card to give, he should, first and foremost, give glory to God for the enablement. Thus, I enthuse that: **“this is the day the Lord has made, and I particularly will rejoice in it.”**<sup>3</sup>

## 3.0 ASSUMPTION OF OFFICE

- 3.1 I assumed office as the **50<sup>th</sup> Chairman** of the **Body of Benchers** on **31<sup>st</sup> March, 2022**. To me, it was a day of great honour, and like the **Psalmist** as well, I proclaimed it as the day of the Lord, calling for my great rejoicing. I came in directly on the heels of a most distinguished Justice of the **Supreme Court, Honourable Justice Olabode Rhodes-Vivour, CFR, JSC (Rtd)**, who was the **49<sup>th</sup> Chairman**, and under whom I served as the traditional **Vice-Chairman** for one year, from **March 2021 to March 2022**. It was a pleasant coincidence assuming office after a respected friend and brother of over five decades. In my acceptance speech, I paid glowing tributes to all my predecessors-in-office, who laid the very solid foundation upon which I basked and built, to the glory of God, in the past one year. This is how it should be in any civilised environment, particularly in the **Body of Benchers**, constituted by statutory fiat and made up of **legal practitioners of the highest distinction in the legal profession in Nigeria**. Without them, I would not have been; without their individual and collective achievements, I would not have been able to build on anything. In fact, I would have been operating from within a void. Therefore,

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<sup>1</sup> Ecclesiastes 3: 1 (New International Version).

<sup>2</sup> Ecclesiastes 3: 5 (New International Version).

<sup>3</sup> Psalm 118 : 24 (King James Version).

whatever success I have achieved as the **50<sup>th</sup> Chairman** of this august **Body** in the past one year should be taken as a shared success. Even as I will soon step aside as the **Chairman** of the **Body** today, I pray that God should give me the grace and humility to always appreciate all my predecessors-in-office. For the records, I did it on my assumption of office as the then **President of the Nigerian Bar Association** and re-echoed it while leaving office, and still reemphasize it till today.

#### **4.0 THE VISION FROM THE GET – GO**

4.1 In the address I delivered at our first **Statutory Meeting** on **21<sup>st</sup> June, 2022**, I set some goals for myself, working closely with the **Body** as its **Chairman** for the year. They include: reconstituting and resuscitating the **Legal Practitioners Disciplinary Committee** and also isolating it from any control from the **Body**, since appeals from the **directions** of the **Committee** go directly to the **Supreme Court**, and not to the **Body of Benchers**; combatting the menace of **forum shopping** in the legal profession and the need for the **Body** to make regulations to stem the threatening tide, falling on the jurisdiction vested in the **Body** by **Section 10** of the **Legal Practitioners Act**; setting up of **Judiciary Advisory Committee** saddled with the responsibility, amongst others, to always and constantly interface with members of the **Bench** at any level, and at anywhere, whether at the Federal or State level in order to earnestly address all concerns and complaints and, where necessary, take such concerns and complaints to the appropriate authorities; ensuring that the long-shelved **Legal Practitioners (Amendment) Bill** which has now perpetually positioned itself as the '**elephant in the room**' was fine-tuned and transmitted to the **National Assembly** for its prompt passage into an Act; ensuring that the access road to the **Complex** were tarred; completion and formal commissioning of the **Body of Benchers Complex**; setting up of a **Body of Benchers Prayers Drafting Committee** to work out unified and acceptable prayers for commencing and closing our meetings; holding the regular **Statutory Meetings**, with a plea that in view of the exigencies we were in, I would be invoking my powers under **paragraph 5 (2) of the Body of Benchers Regulations** to call for emergency meetings, as occasions demanded.

#### **5.0 MEETINGS**

5.1 In all, and excluding the meeting of **31<sup>st</sup> March, 2022**, when I took over as Chairman, we held **six meetings**, that is, **21<sup>st</sup> June, 2022, 26<sup>th</sup> July, 2022, 10<sup>th</sup> November, 2022, 5<sup>th</sup> December, 2022, 24<sup>th</sup> January, 2023 and 30<sup>th</sup> March, 2023**. Needless repeating or emphasizing the obvious that all our meetings were well attended by distinguished members, while the contributions and deliberations therein were very robust and extensive, leading to purposeful resolutions.

- 5.2 Immediately after our meeting of **21<sup>st</sup> June, 2022**, I led a high power delegation of members consisting of the **Vice – Chairman of the Body, Honourable Justice Mary Peter-Odili, JSC, CFR, Life Bencher, Honourable Justice Mahmud Mohammed, GCON (Former Chief Justice of Nigeria), Honourable Justice Umaru F. Abdullahi, CON (Former President of the Court of Appeal), Chief A. S. Awomolo, SAN (Life Bencher), Mr. Lawal - Rabana (Life Bencher), Chief John Ochoga (Life Bencher), Honourable Justice Dr. Ishaq Bello (Life Bencher), Mr. M. A. Abubakar (Bencher), and Daniel M. Tela Esq (Secretary of the Body)** to the **Honourable Minister of FCT**. The Minister, **Mallam Muhammadu Musa Bello**, and his **Management Team** received us warmly and accorded us generous courtesies. The meeting afforded us the opportunity to inform him in advance that our **Complex** was nearing completion and that **Mr. President** would be invited to come and formally commission it in the **third quarter** of the year. To this end, we appealed to the **Honourable Minister** to ensure that the access roads leading to the **Complex** were fully tarred and rehabilitated, not only to pave way for seamless access to the **Complex** by staff and members alike, but also to honour **Mr. President** who would access the **Complex** through the tarred roads during the official commissioning ceremony. Thereafter, I wrote **three reminder letters** to the **Honourable Minister of FCT** on our request, and all of us can now appreciate more, the beauty of the **Complex** since the access roads have been tarred. This was achieved between **two to three days** before **Mr. President** came to commission the **Complex** on **29<sup>th</sup> September 2022**. Once again, I seize this opportunity to express our collective appreciation to the **Honourable Minister of the FCT**.
- 5.3 On **28<sup>th</sup> June, 2022**, I led members of the **Judiciary Advisory Committee** on a visit and discussion with the **Justices of the Supreme Court** in the aftermath of media reports of disconcert within the ranks of Justices of the apex Court. Prior to the meeting, I had written letters to each of the Justices of the Supreme Court, including the immediate past **Chief Justice of Nigeria, Honourable Justice Ibrahim Tanko Muhammad, GCON**, appealing to each of them to exercise **patience and restraint**, pending the time members of the **Judiciary Advisory Committee** of the **Body** would meet and interact with them. I sent a reminder letter to each of them before our meeting of **28<sup>th</sup> June, 2022**. Representing the **Judiciary Advisory Committee** were myself, **Honourable Justice Mary Peter-Odili, JSC, CFR, Life Bencher (Vice-Chairman of the Body of Benchers), Honourable Justice Mahmud Mohammed, GCON (Former Chief Justice of Nigeria), Mr. Solomon Umoh, SAN, and Daniel M. Tela ( Secretary of the Body)**, while the **Honourable Justice Kayode Ariwoola, GCON, JSC**, the then **Acting Chief Justice of Nigeria** (now substantive **Chief Justice of Nigeria**), led the meeting and the team of Justices of the **Supreme Court**. The meeting which was characterised by conviviality and **esprit de corps** among the top echelon of the legal profession, was also quite revealing as the Justices bore

their minds on both financial and infrastructural deficiencies militating against the smooth performance of their duties. Some of the takeaways from the meeting facilitated the terms of reference which the Committee later gave to **Messrs Ernst & Young (E&Y)**, a Firm of Accounting and Financial Consultants engaged by the **Body** to work out a peer review of the conditions of service of Judicial Officers in **Nigeria** with other countries and jurisdictions, within and outside **Africa**, I will come to the Report anon.

- 5.4 On **28<sup>th</sup> July, 2022**, I led a team of members comprising **Honourable Justice Mary Peter-Odili, JSC, CFR, Life Bencher, (Vice-Chairman), Chief Albert Akpomuje, SAN (Life Bencher), Chief Ofodile Okafor, OON, SAN (Life Bencher), Mr. A.B Mahmud, OON, SAN (Life Bencher), Chief Adeniyi Akintola, SAN (Life Bencher), Mrs. Fatima Kwakwu, MFR (Life Bencher), Honourable Justice Kate Abiri, CON (Life Bencher), Chief John A.A Ochoga (Life Bencher), Prince Lateef Fagbemi, SAN (Life Bencher), Mrs. H.A Turaki (Life Bencher), Chief Emeka Ngige, SAN (Chairman, Council of Legal Education), Mr. M.A Abubakar (Bencher) and Mr. Daniel M. Tela (Secretary)**, to meet with **President Muhammadu Buhari, GCFR**, essentially to apprise him of the near completion (as at then) of the **Body of Benchers Complex**, invite him to come and formally commission it in **September, 2022**, and to also call his attention to the uninspiring state and conditions under which Judges of superior courts in Nigeria operate. **Mr. President** graciously welcomed us, and listened to our presentation, as made by me, including bringing to his attention the unimplemented **2018 Report of the Committee on the Review of Judicial Salaries and Conditions of Service**. At the end of our presentation, **Mr. President** agreed with us that a democracy like ours, that is sustained by three arms of government, cannot afford not to pay careful attention to the welfare of members of the Judiciary, and he immediately directed that the **2018 Report** should be fetched out for immediate implementation in the interim, pending the outcome of the **Report** of the Firm to be engaged by the **Body** to work out a peer review of packages of the judicial personnel of the superior courts in Nigeria. **Mr. President** also promised to come and personally commission our **Complex**, come **September, 2022**.

## **6.0 ATTENDANCE AT MEETINGS**

- 6.1 Notwithstanding the fact that we had held **six meetings** in the last one year, attendance at each of the meetings has been very gratifying and impressive, even when short notices were given as a result of changes in programmes. My appreciation goes to all members for taking the affairs of the **Body** seriously and attaching perceptible significance to them.

## 7.0 CONSTITUTION OF A PRAYER COMMITTEE

7.1 Amongst the Committees constituted by us was the **Prayers Drafting Committee** made up of myself, **Chief A.S. Awomolo, SAN (Life Bencher)**, **Honourable Justice Uwani Musa Abba Aji, JSC (Life Bencher)**, **Chief John A. A Ochoga (Life Bencher)**, **Hajia Asmau Muktar (Honourable Attorney-General of Katsina State)** and **Daniel M. Tela Esq. (Secretary)**. The main term of reference was to work out acceptable prayers for the **Body**, for both opening and closing sessions of our meetings. The reason behind it was, and still remains, that whatever might be one's religious inclination or belief, we all believe in one sovereign God who is omnipotent. The Committee came up with draft prayers, which, as usual, were presented to the **Body**, and which the **Body** deliberated upon, modified and finally ratified. Since then, the prayers have become part of our traditions.

## 8.0 INAUGURATION OF THE JUDICIARY ADVISORY COMMITTEE

8.1 As stated earlier, the **Judiciary Advisory Committee** was approved by this **Body** on my humble recommendation, and it has now become one of the **Standing Committees** of the **Body**. It is headed by no other person than the highly venerated **Honourable Justice Mahmud Mohammad, GCON**, former **Chief Justice of Nigeria**. In view of the critical roles the **Committee** has played so far, and is expected to play henceforth, the membership of the **Committee** has been enlarged. Immediately upon inauguration, the **Committee** swung into action, and among the initial steps taken by us were the two meetings earlier highlighted, that is, the meeting with the Justices of the Supreme Court held on **28<sup>th</sup> June, 2022** and the one with **Mr. President** on **28<sup>th</sup> July, 2022**. With the approval of the **Body**, the **Committee** commissioned the Firm of **Messrs. Ernst & Young (E&Y)**, a Firm of Accounting and Financial Consultants, to carry out:

- i. **Comprehensive review of the conditions of service and emoluments of Judicial Officers across all cadres of superior courts of record in Nigeria;**
- ii. **Peer review of the conditions of service of the said Judicial Officers in Nigeria with other African jurisdictions such as Ghana, South Africa, Kenya, and Rwanda, as well as Common Law jurisdictions such as the United Kingdom and Australia; and**
- iii. **Professionally and objectively recommend satisfactory models for conditions of service and emoluments for Judicial Officers across different layers of courts in Nigeria;**

- iv. **Retirement, gratuity and post-service welfare packages for Judicial Officers, including housing, transportation, health, etc.**
- v. **Any other matter ancillary or connected to (i)-(iv) above.**

8.2 The Firm submitted an **Interim Report**, and later yielded in a **Final Report** which was made available to members for consideration at the **Emergency Meeting** held on **24<sup>th</sup> January, 2023**. After a very exhaustive and informative discussion on the **Report**, it was also unanimously agreed that an **Ad hoc Committee** be set up to harmonise the recommendations of the **Report** with other recommendations and inputs from Judges/Justices of our superior courts and views of the **Honourable Attorney-General of the Federation and Minister of Justice**, as well as those of the **Revenue Mobilisation, Allocation and Fiscal Commission**. The **Committee** dutifully and timeously completed its assignment and forwarded a reviewed **Report** to me. The **Report** was further modified and expanded, after which a **Final Report** titled - "**Presentation of the Body of Benchers to the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, President Muhammadu Buhari, GCFR; on the Review of Salaries, Allowances, Emoluments and Conditions of Service of Judicial Officers in Nigeria**", was forwarded to **President Muhammadu Buhari, GCFR** with a covering letter signed by me, titled: "**Re: Enhanced Packages for Judicial Officers of our Superior Courts of Record**". We were to meet **Mr. President** for a follow-up and formal presentation of the letter before the end of my tenure, but for the general elections across the country. The fact remains that the **Report** has been submitted and what is needed is a follow-up for implementation.

8.3 For emphasis, may I recall that during **Mr. President's** speech at the official commissioning of the **Body of Benchers Complex** on **29<sup>th</sup> September, 2022**, he enthused, pertaining to the then anticipated **Report**, as follows:

*"I am not unaware of the passion and commitment of Chief Olanipekun in championing the cause of the welfare of Judicial Officers in Nigeria, as well as the commitment of the Body of this goal. May I restate my commitment towards this ideal and to reiterate our administration's willingness to implement the 2018 Report of the Committee on the Review of Judicial Salaries and Conditions of Service. In similar vein, I have been intimated on the engagement of Consultants by the Body, through its Advisory Judicial Committee, to amongst other things, come up with a peer review of the conditions of service of Judicial Officers in Nigeria with other countries and jurisdictions, within and outside Africa. I earnestly look forward*

***to the completion of this peer review and the submission of recommendation, as this will assist us in no small measure, in our review of the welfare packages.”***

8.4 On behalf of all of us, I hereby express our profound appreciation to **Prince L.O Fagbemi, SAN, Life Bencher**, who contributed a whopping sum of **₦5,000,000 (Five Million Naira)** in settling the invoice of **Messrs. Ernst & Young (E&Y)**, while I made a contribution of **₦10,000,000 (Ten Million Naira)**. I repeat that this is what leadership entails in the real sense of it.

## **9.0 COMMISSIONING OF THE BODY OF BENCHERS COMPLEX**

9.1 The official commissioning of the **Body of Benchers Complex** was performed by **President Muhammadu Buhari, GCFR** on **29<sup>th</sup> September, 2022**. It was a very glorious and successful event, which signposted a significant milestone in the annals and history of the **Body of Benchers**. It was a dream come true, an ambition fulfilled. The **President** himself was very much excited when he sighted the magnificent edifice, and took a brief tour of it. He commended our humble efforts, both in his address and remarks in our **Visitors' Book**. Members turned out in good numbers and enjoyed themselves in the midst of the fanfare, pomp and pageantry that enveloped the entire ceremony. Once again, I pay tribute to all the founding members of the **Body**, the brains and minds behind the conception of the **Complex**, the contributors to the funding, members of the **Building Committee**, and all members of the **Body** for the realisation of our grand vision. As the serving **Chairman**, I consider it as one of God's benevolence in my life that it was during my tenure that the **Complex** was completed and formally commissioned. To **Mr. President** and his team, including the **Chief of Staff, Professor Ibrahim Agboola Gambari**, I say a big thank you. I was virtually becoming importunate by reason of my numerous letters of reminder, and persistent telephone calls, to which they all reacted with equanimity.

9.2 The basic components, structures, adjoining roads and driveways within the **Complex** have been named after some of our very distinguished members, both living and deceased. The **Main Auditorium** is named after **Mrs. H.A Balogun, OON**, a former **Chairman** of the **Body**, and also a former **Chairman of the Building Committee**. The **Meeting Room** is named after **Honourable Justice M. Umaru F. Abdullahi, CON**, former **Chairman** of the **Body**, **Former President of the Court of Appeal**, and presently, **Chairman of the Appointment Committee**. The **Banquet Hall** is named after **Mrs. H. A Turaki, Life Bencher**, who served as the **Pioneer Secretary of the Body**. The **Large Open Hall** directly above the **Banquet Hall** is named the **Rivers State Hall**, in appreciation of the immense financial contributions of that State to the completion of the Hall. The **LPDC**

**Block** is named after **Sir Clement Akpangbo, SAN**, former **Chairman** of the **Body**, and former **President** of the **Nigerian Bar Association**, while the **E – Library** is named after **Chief T.J.O. Okpoko, OON, SAN, Life Bencher**, past **Chairman** of the **Body**, and former **President of the Nigerian Bar Association**. The **Pavilion** is named after the late **Honourable Justice Adetokunbo Ademola, GCON**, pioneer **Chairman** of the **Body of Benchers** and the first indigenous **Chief Justice of Nigeria**. The **Benchers Recess** is named after **Honourable Justice M.L. Uwais, GCON**, former **Chief Justice of Nigeria**, and past **Chairman of the Body of Benchers**, while the **Committee Meeting Room** is named after **Honourable Justice S.M.A Belgore, GCON**, past **Chairman** of the **Body** and former **Chief Justice of Nigeria**. The **Reference Library** has been named after **Honourable Justice Mahmud Mohammad, GCON**, past **Chairman** of the **Body of Benchers** and former **Chief Justice of Nigeria**, while the **Lounge** is named after **Honourable Justice W.S.N Onnoghen, GCON**, past **Chairman** of the **Body of Benchers**, and former **Chief Justice of Nigeria**. The **Main Crescent** is named after **Honourable Justice Aloma Mariam Mukhtar, GCON**, past **Chairman of the Body of Benchers**, and former **Chief Justice of Nigeria**, while the first **Driveway** has been named after **Honourable Justice Olukayode Ariwoola, GCON, Life Bencher**, and present **Chief Justice of Nigeria**. The second **Driveway** is named after **Chief G.N Uwechue, SAN, Life Bencher**, past **Chairman** of the **Body of Benchers**.

## 10.0 CONSTITUTION OF THE BODY OF BENCHERS COMPLEX MANAGEMENT COMMITTEE

10.1 At our meeting of 24th January, 2023, a Management Committee under the Chairmanship of **Honourable Justice Kate Abiri, CFR, Life Bencher**, immediate past **Chief Judge of Bayelsa State**, was inaugurated with the main purpose of putting in place a pragmatic maintenance structure for the **Complex**, and also ensuring how the sprawling structure should be put into use for the maximum advantage of the **Body** itself, particularly, in terms of revenue generation. I have no doubt in my mind that the **Committee**, which is now a **Standing Committee** of the **Body** will live up to its bidding.

## 11.0 MENTORING COMMITTEE PROGRAMME

11.1 There is no doubt that it is the exclusive responsibility of the **Body of Benchers** to call qualified aspirants to the **Bar**. It is also common knowledge that thousands of newly qualified lawyers are being called to the **Bar** by the **Body** on yearly basis. It then behoves the **Body** to ensure that young lawyers are properly mentored in order to give them adequate orientation and guidance. The **Mentoring Committee of the Body of Benchers** has been in existence for years, and most humbly, I was the pioneer **Chairman**, while **Chief J. K.**



**Gadzama, OFR, SAN**, was my Vice-Chairman. In the last couple of years, **Chief J. K. Gadzama** has assumed office as the **Chairman** of the **Mentoring Committee**, and I want to place it on record that he has been doing marvellously well. At our last meeting of **24<sup>th</sup> January, 2023**, he presented an elaborate roadmap of how his **Committee** wants to kickstart mentoring programmes for young lawyers across each of the six geopolitical zones of Nigeria and the **FCT**. We applauded and approved the programme. I am happy to report that at a meeting of the **Mentoring Committee** held on **16<sup>th</sup> February, 2023**, the final programme of the Committee was placed before members (with my humble self in attendance as an observer), and after much deliberation, the final programme was adopted. The first **Mentoring Session** will take place in the **2<sup>nd</sup> quarter** of this year, hopefully.

## **12.0 PROFESSIONAL LECTURES AND DINNERS FOR GRADUATES OF THE NATIONAL OPEN UNIVERSITY OF NIGERIA (NOUN)**

12.1 **1,883** law graduates of the **National Open University of Nigeria** completed their remedial courses at the **Nigerian Law School** in **May/June, 2022**. Between **11<sup>th</sup> – 18<sup>th</sup> May, 2022**, the **Body of Benchers** organised two lectures as well as two law dinners for them. Two leading lights of our profession, **Chief Akin Olujinmi, CON, SAN**, and **Dr. Onyechi Ikpeazu, OON, SAN**, delivered sumptuous lectures at the sessions. Many **Benchers**, including myself, were present at the event. As a **Body**, we have committed ourselves to admitting this particular set of graduates of the **NOUN** to the **Bar**, and we have demonstrated this commitment by allowing them to attend and partake in the remedial courses organised by the **Nigerian Law School**. While it is not being suggested that subsequent law graduates of **NOUN** should automatically be admitted or encouraged to come to the **Nigerian Law School**, my humble advice is that we are under a duty to allow those who have completed the remedial courses to proceed to the **Bar Final Programme**. I do not think we can continue to justify our refusal to allow them proceed to the final programme.

## **13.0 CALL TO BAR CEREMONIES**

13.1 Two Call to Bar Ceremonies were held in the course of the year, that is on 27<sup>th</sup> July, **2022** and **6<sup>th</sup> and 7<sup>th</sup> December, 2022**. The good news was/is that all the **Calls** took place within our own **Body of Benchers Complex**, for the first time in the history of the **Body**. Without being immodest, the **Calls** have been adjudged as some of the best we have ever had. The attendance on each occasion was enormous and encouraging, while the support from members was much reassuring of the oneness and indivisibility of the **Body** as an **institution**. In **July, 2022**, we admitted **1,504** new entrants to the profession, while in **December, 2022**, **4,711 new wigs** were called to the **Bar**. In all, **6,215** new

entrants were admitted to the **Bar** in the course of the year. Statutorily, I signed all their certificates and also presided over all the sessions of the **Calls**, to God be the glory.

#### 14.0 TRADITIONAL LAW DINNERS

14.1 As stated earlier, **Law Dinners** were held for the **NOUN** students at the **Abuja Campus** of the **Nigerian Law School** on **17<sup>th</sup> and 18<sup>th</sup> May, 2022**. The attendance of **Benchers** was encouraging, and I presided over the two dinners. For all the campuses of the Law School, **2<sup>nd</sup> Term Traditional Law School Dinners** were held between **14<sup>th</sup> – 16<sup>th</sup> June, 2022**, while the **3<sup>rd</sup> Term Traditional Law School Dinner** were held between **28<sup>th</sup> – 30<sup>th</sup> June, 2022**. For the **Lagos and Abuja campuses** where I participated, the attendance was much encouraging. The **1<sup>st</sup> Term Traditional Law School Dinner** at the various campuses were also held between **13<sup>th</sup> – 15<sup>th</sup> February, 2023**, and I presided over the three dinners in Lagos. News reaching me is to the effect that in some of the Law School campuses, attendance of **Benchers** at the various dinners has not been encouraging. In some instances, **Benchers** are not proximate to some of the campuses. My plea to the **Body**, as well as the **Benchers Appointment Committee** is to take these complaints into consideration when admitting new **Benchers** to our fold, whether as **Benchers** or **Honourary Benchers**.

#### 15.0 REGULATIONS COMMITTEE

15.1 The **Regulations Committee** under the chairmanship of **Yusuf O. Ali, SAN**, was set up for the main purpose of preparing and presenting for the Body's approval, Regulations on important subjects from time to time. It is on record that the first draft Regulations presented by the **Committee** was in respect of the notorious practice of **forum shopping** among lawyers across the country. The presentation was well debated and considered at our meeting of **10<sup>th</sup> November, 2022**, and after a very thorough and balanced deliberation, it was resolved that the draft Regulations be passed to the **General Council of the Bar**. For now, the Committee is looking into updating and amending the **Regulations** of the **Body** itself. The **Committee** is also a Standing Committee of the **Body**.

#### 16.0 LEGAL PRACTITIONERS DISCIPLINARY COMMITTEE

16.1 As earlier mentioned in this address, the reconstitution of the **Legal Practitioners Disciplinary Committee (LPDC)** was approved by the **Body**, with the **Honourable Justice Ishaq Bello, CON** as the **Chairman**. May I reiterate that the **LPDC** is neither under the control of the **Body** nor the **Chairman**. I understand

that in the course of the year, the **Committee** attended to **143 Originating Applications** showing the establishment of prima facie cases; **43 applications** showing that there were no prima facie cases against the **Respondents**; **55 cases** are ongoing, **404 petitions** are awaiting assignment, and **31 Applications** yet to be assigned for the **Initial One Member Review**. **9 cases** were concluded between **30<sup>th</sup> March, 2022** to **13<sup>th</sup> March, 2023**.

16.2 While I commend members of the **Committee** for sacrificing their time and energies on behalf of the entire profession, may I counsel that the **LPDC** should not be perceived as an instrument for witch-hunting or blackmailing counsel qua Legal Practitioners all over the country by litigants and mischievous clients. In this connection, I pray the **Chief Justice of Nigeria** to earnestly review the extant **Regulations** and take a cue from past practice where all frivolous and misguided petitions against Legal Practitioners are treated *brevi manu*, even without any recourse to the Legal Practitioners concerned, or without any reference to any **Committee** at all. We should bear in mind that the words '**Legal Practitioner**' under the Legal Practitioners Act include all Nigerian lawyers called to the **Nigerian Bar** and enrolled as Barristers and Solicitors of the **Supreme Court of Nigeria**, including serving and retired Judges/Justices. Against the foregoing, we should not lose sight of the fact that a good number of our Judges/Justices practice as **Solicitors** (upon retirement), and this is legitimate. Therefore, they too, like the mainstream **Legal Practitioners** can be the victims of frivolous petitions from unscrupulous clients, and if the extant **Regulations** are not quickly reviewed, very soon, barrage of frivolous petitions will lie and fly against such retired judicial personnel. A stitch in time saves nine.

## **17.0 FUNDING OF THE BODY OF BENCHERS**

17.1 The funding of the **Body** remains a source of concern, as required funds do not come in as at when due or at all. I have earlier made reference to two of us underwriting the invoice of the Accounting and Financial Consulting Firm of **Messrs. Ernst & Young (E&Y)**, as the **Body** has no budget or budgetary provisions for such an important subject. The meagre resources available to the **Body** could not accommodate it as well. May I use this address as a wake-up call to the respective **Judiciaries** and **Ministries of Justice** all over the country, as well as the **Nigerian Bar Association** to always fulfil their financial obligations regularly to the **Body**. Let me quickly correct the wrong impression being disseminated from some quarters that because the **Federal Government** makes some financial contributions to the **Body**, the **Body** is under the control or supervision of the **Federal Government**. Nothing can be farther from the truth, as, from my experience as the Chairman in the past one year, I did not witness the slightest of any **Federal Government** interference.

## 18.0 AMENDMENT OF THE LEGAL PRACTITIONERS ACT

18.1 This subject has now become a recurring decimal, and I dare say a subject which, on yearly basis, is now being 'bequeathed' from one outgoing Chairman to his/her successor. I inherited it from my immediate predecessor-in-office, while his own predecessor transferred it to him, and it has been like that, from one 'generation' to another. The nearest we got at finalising it from our own end and forwarding it to the National Assembly was at our meeting of **24<sup>th</sup> February, 2022**, where the **Honourable Justice Abdu Aboki's Report** was extensively considered and was about being adopted, but for my intervention that we should allow the **NBA** a further opportunity to put its house in order, bearing in mind the charged atmosphere at that meeting. The minutes of our meeting of that day bears eloquent testimony of my altruistic intervention. Piqued by the appeal contained in my address at the meeting of this **Body** on **21<sup>st</sup> June, 2022** which was a follow up of the admonition of my immediate predecessor-in-office that the **NBA** should sheathe its sword and allow for the transfer of the **Bill** to the **National Assembly** for immediate consideration and passage, and calling on members that we should take the matter seriously, the then **NBA President, Olumide Akpata Esq.** sent me a lengthy letter dated **20<sup>th</sup> June, 2022** (but which I did not receive until after the proceedings of our meeting of **21<sup>st</sup> June, 2022**), praying that I should not hand over the management of **NBA** to the **BOB**, "*a body funded and controlled by the Federal Government*". As usual, the letter was already being celebrated in the media space, long before I received it, with various captions, including:

**“BREAKING: Don't Allow FG take Over NBA or Regulation of Lawyers – NBA President begs BOB Chairman, Olanipekun SAN, in Explosive Letter”<sup>4</sup>**

18.2 I cautiously and courteously responded to the NBA letter by my letter of **27<sup>th</sup> June, 2022**, assuring him that I would never, as a former **President of the NBA**, support the transfer of NBA management to the **Federal Government**, and that nothing of such was in the offing; except that the **Body of Benchers** was/is not under the control of the **Federal Government**. I also added that the **Legal Practitioners Act** as presently constituted needs urgent amendments, as it cannot cater for the practice of law in the present times. I pleaded for his cooperation and understanding, just as my predecessor-in-office did. Having said this, the **Body** further deliberated on the **Honourable Justice Abdu Aboki's Report** and set up another sub-committee, the **Funke Adekoya Committee**, to

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<sup>4</sup> BRIDGET EDOKWE “BREAKING: Don't Allow FG take Over NBA or Regulation of Lawyers – NBA President begs BOB Chairman, Olanipekun SAN, in Explosive Letter” accessed from <https://barristerng.com/breaking-dont-allow-fg-take-over-nba-or-regulation-of-lawyers-nba-president-begs-bob-chairman-olanipekun-san-in-explosive-letter/>

harmonise all the grey areas and submit a final report to the body. A **Report** was submitted at our meeting of **24<sup>th</sup> January, 2023**, but, for exigencies, that **Report** has again been transferred to the next **Chairman** of the **Body of Benchers** for presentation. In effect, for upward of **eight years** now, this subject of amendment of the **Legal Practitioners Act** has been revolving, year in, year out, without any headway. Following the footsteps of my predecessors-in-office, I plead that the **NBA** should sheathe its sword and allow for reconciliation of the only identified grey area, whether the **Body of Benchers** should continue to be in charge and supervise legal practice in Nigeria or the **NBA**, through the **Legal Profession Regulation Council of Nigeria**, being recommended by it.

## **19.0 ADHERENCE TO PRECEDENCE AND SENIORITY WITHIN THE BODY**

19.1 At the meeting of **24<sup>th</sup> January, 2023**, members complained that adherence to precedence and order of seniority was being regularly jettisoned by some members, particularly during our Call to Bar ceremonies. Let me appeal to all our members that within the **Body of Benchers**, we adhere to precedence and seniority, as to when each of us was/is admitted whether as a **Bencher** or **Life Bencher**, it is not a question of whether a particular **Bencher** is a **Judge/Justice or Legal Practitioner/SAN**, but simply on seniority as to the time of admission as a **Bencher** or **Life Bencher**. I elaborated on this cherished tradition of ours in my address/charge at the **Call to Bar Ceremonies** of **6<sup>th</sup> and 7<sup>th</sup> December, 2022**, and went further to state that the names of our members, including **Life Benchers** have been arranged strictly in order of seniority; and that at this **Body**, we do not contest or struggle for positions, we do not jump the queue, as everyone takes his or her turn at the appropriate time, God sparing all our lives. Let me make myself a living example. While **Alhaji Bashir M. Dalhatu**, Life Bencher, past Chairman Body of Benchers, **MR. O.C.J Okocha, OFR, SAN**, Life Bencher, past Chairman Body of Benchers, and my humble self were appointed Life Benchers on the same day, and while I take precedence over each of them as Legal Practitioners simpliciter, having been called to the Inner Bar in **July 1991**, each of them takes precedence over me as Benchers, as both of them joined the Body of Benchers before me. Hence, each of them became Vice-Chairman, and subsequently Chairman before me, with **Alhaji Bashir M. Dalhatu** taking precedence over **MR. O.C.J Okocha, MFR, SAN**, and my humble self in that order. This order of seniority/precedence accords with our standard, decency, orderliness, reputation and distinction as **legal practitioners of the highest distinction in the legal profession in Nigeria**. Members of this **Body** do not carry placards, we do not print posters or handbills, we do not canvass for votes, we also do not lobby ourselves. Our successions have always been seamless and unrancorous. In my acceptance speech last year, I likened this orderly transition within the **Body** to the

Olubadan of Ibadan Chieftaincy in Oyo State, South-West, Nigeria, where successors to any reigning Olubadan are always known and identified, but without anyone of them lobbying for the position or trying to out-smart one another. About this time last year, my predecessor-in-office, **Honourable Justice Olabode Rhodes-Vivour CFR, JSC (Rtd)** made this glowing tradition of ours very clear when a new Vice-Chairman was to be appointed.

19.2 I have been informed and advised by the Secretariat that the next six active **Life Benchers**, in order of seniority, are as follows:

1. **Chief A.S Awomolowo, SAN**
2. **Chief Albert Akpomudje, SAN**
3. **Mrs. Funke Adekoya, SAN**
4. **Dr. Olisa Agbakoba, OON, SAN**
5. **Mr. J.B Daudu, SAN**
6. **Sir G. Ofodile Okafor, OON, SAN**

The **Secretariat** has also listed the order of seniority of the above **Life Benchers** as appearing above. The latin maxim *res ipsa loquitur* cutely applies.

## 20.0 APPOINTMENT OF LIFE BENCHERS, BENCHERS AND HONOURARY BENCHERS

20.1 Appointment of **Life Benchers, Benchers** under **section 3 (1) (I) of the Legal Practitioners Act** and **Honourary Benchers** are within the exclusive jurisdiction of the **Body of Benchers**, if and whenever there are vacancies. The **Chairman** activates the process(es) whenever the need arises. For **Life Benchers**, **nine** vacancies existed; for the appointment of Benchers under **section 3 (1) (I) of the Legal Practitioners Act**, we had **two** vacancies, while the need to appoint **Honourary Benchers** could not be overemphasised. I have taken the liberty of my position as the **Chairman** of the **Body of Benchers** to send nominations to the **Appointment Committee** to fill the vacancies under the three categories aforementioned. The **Appointment Committee** has also deliberated on the nominees and approved the following as **Life Benchers**:

- i. **Hon. Justice M. M. Saulawa**  
**Justice, Supreme Court**

- ii. **Hon. Justice Ali A. B. Gumel**  
**Presiding Justice, Court of Appeal, Gombe**
- iii. **Hon. Justice U. I. Ndukwe**  
**Presiding Justice, Court of Appeal, Enugu**
- iv. **Dr. Abdulkarim Kana**  
**Hon. Attorney - General, Nasarawa State**
- v. **Mr. Obafemi Adewale, SAN**  
**Bencher**
- vi. **Mr. Yunus Ustaz Usman, SAN**  
**Bencher**
- vii. **Dr. Muiz Banire, OON, SAN**  
**Bencher**
- viii. **Mr. Olusina Sofola, SAN**  
**Bencher**
- ix. **Dr. Garba Usman Tetengi, SAN, mni**  
**Bencher**

20.2 The **Appointment Committee** has also deliberated on and approved the appointment of **Chief Akin Olujinmi CON, SAN** and **Chief Kanu Agabi, CON, SAN** as **Benchers** under **section 3(1)(I)** of the **Legal Practitioners Act**. These two foremost members of our profession are known to us all; and at various times, each of them had served as the **Attorney-General and Minister of Justice of Nigeria**. Had all things been equal, both of them would have been **Benchers** a long time ago.

As for the **Honourary Benchers**, the **Appointment Committee** has also painstakingly considered and approved as **Honourary Benchers**, the following:

- i. **Chief A. B. Anachebe, SAN (South-East)**  
**Legal Practitioner**
- ii. **Chief Yomi Aliyu, SAN (South-West)**  
**Legal Practitioner**
- iii. **Mr. Kemasuode Wodu, SAN (South-South)**  
**Legal Practitioner**
- iv. **Chief Leonard Dan Nzadon (North-East)**  
**Legal Practitioner**

- v. **Mr. J. S. Okutepa, SAN (North-Central)**  
**Legal Practitioner**
- vi. **Mrs. Becky Samuel (North-East)**  
**Legal Practitioner**
- vii. **Hon. Justice Hussaina Aliyu Ibrahim (North-West)**  
**Judge, Jigawa State High Court**
- viii. **Mr. Mohammed Babangida Umar (North-West)**  
**General Counsel of the F.C.T.A.**
- ix. **Hon. William Agwadza Atedze (North-Central)**  
**Code of Conduct Tribunal**
- x. **Mr. Tayo Oyetibo, SAN (South-West)**  
**Legal Practitioner**
- xi. **Mr. Kunle Uthman (South-West)**  
**Legal Practitioner**
- xii. **Chief Arthur Obi-Okafor, SAN (South-East)**  
**Legal Practitioner**
- xiii. **Dr. Roland Otaru, SAN (South-South)**  
**Legal Practitioner**

## **21.0 THE BODY AND THE NBA**

- 21.1 As much as it was humanly possible, we tried to maintain a very cordial relationship with the **NBA**. Members would recall that at our meeting of **24<sup>th</sup> February, 2022** when tension was high, I took permission from the **Chairman** to confer with some leading members of the **Bar** within the **Body** so as to chart a way out from the unnecessary logjam arising from the discussion of the **Legal Practitioners Amendment Bill**. After conferring with some senior colleagues, including the then **NBA President**, we agreed that a meeting should be held amongst us to devise a way forward and report back to the **Body**. The then **NBA President** never got back to me thereafter. Before then, particularly at our meeting of **24<sup>th</sup> February, 2022** when the then **NBA President** was under intense criticism, I rose in his defence and stood in gap for him, as a former **President** of the **NBA**.
- 21.2 By a letter dated **July 21, 2022** addressed to the **Secretary** of the **Body of Benchers**, for the attention of all **Benchers**, **Chief Joe-Kyari Gadzama, OFR, MFR, SAN, Life Bencher**, attached his Press Release on the just concluded **NBA National Election** which brought **Mr. Y. C. Maikyau, OON, SAN** into office as



**President**, complaining that the election was marred with serial irregularities. The **Secretary** of the **Body**, **Mr. Daniel M. Tela Esq.** brought the letter to my attention sometime in **August**, but I directed him not to list it on the agenda, as my intention was to call leaders of the **Body** with a plea to them to effect a reconciliation between the two contestants - **Chief Joe-Kyari Gadzama, OFR, MFR, SAN** and **Mr. Y. C. Maikyau, OON, SAN**. By another letter dated **October 24, 2022** addressed to the **Chairman** of the **Body of Benchers**, the **Law Society of Nigeria** gave notice of its existence and composition of its **National Executive Committee**. The **Secretary**, as usual, drew my attention to the letter and advised that it should be circulated and listed as an item on the agenda. This time around, I sternly warned the **Secretary** not to go that route as I was also planning a reconciliatory meeting among the parties. I put a former **President** of the **NBA**, **Dr. Olisa Agbakoba, OON, SAN, Life Bencher**, in confidence of my plan, and I even showed him the message I sent to the **Secretary** of the **Body**. It was not until **Chief Joe-Kyari Gadzama, OFR, MFR, SAN** sent a reminder to the **Body** on **19<sup>th</sup> January, 2023** that I was compelled to ask the **Secretary** to list and circulate these letters.

- 21.3 The foregoing notwithstanding, I still proposed at the meeting of **24<sup>th</sup> January, 2023**, the setting up of a **Reconciliatory Committee**, under the leadership of a past **Chairman** of the **Body**, **Alhaji Bashir Dalhatu** to reconcile all parties, particularly, **Chief Joe-Kyari Gadzama, OFR, MFR, SAN** and **Mr. Y. C. Maikyau, OON, SAN** on the one hand, and the **NBA** and the **Law Society of Nigeria** on the other hand. Surprisingly, **Mr. Y. C. Maikyau, OON, SAN** turned down the recommendation, querying the decision and jurisdiction of the **Body** to reconcile feuding parties, as it were. Most unfortunately as well, immediately after the meeting, uncomplimentary articles, write-ups and comments littered the mainstream and social media, accusing the **Body** of wanting to dabble into the **NBA** election imbroglio.
- 21.4 In case some younger elements in the legal profession do not know, let us all remind ourselves that but for the **Body of Benchers** that played the fatherly, statutory and leadership roles in the **mid-90s**, leading to the resurrection and resuscitation of the **NBA** after its descent into the valley of death at the **Port-Harcourt Conference** in **1992**, there would not have been an **NBA** so-called or so-constituted today. For the records, as well as our remembrance, leading **Benchers**, including but not limited to **Chief F. R. A. Williams, SAN**, who was then the **Chairman** of the **Body of Benchers Caretaker Committee** of the **NBA**, **Honourable Justice M.M.A Akanbi, CFR**, former **President** of the **Court of Appeal**, **Chief Andrew Anyamene, SAN**, **Mrs. Hairat Balogun, OON; Life Bencher**, **Honourable Justice S.M.A Belgore, Life Bencher**, **Dr. Mudiaga Odje, SAN**, past **Chairman, Body of Benchers** and former **President** of the **NBA**, **Honourable Justice A.B Wali, CON**, **Life Bencher**, **Sir Clement O. Akpangbo**,

**SAN, Life Bencher**, and past **President** of the **NBA**, **Chief A.S Awomolo, SAN, Life Bencher**, **Alhaji Abdullahi Ibrahim, CON, SAN, Life Bencher**, **Chief Debo Akande, SAN, Life Bencher**, my humble self, and other leaders of the **Bar** made far-reaching sacrificial efforts to resurrect the **NBA**. Several meetings were held at the Lagos office of **Chief F. R. A. Williams, SAN** and it was at the instance of the **Body of Benchers** that the **1997 Jos Reunion and Reconciliation Conference** was held. Most of these **Benchers** were at the **Jos Reunion and Reconciliation Conference** organised and supervised by the **Committee of Chairmen and Secretaries** of the **44 branches of the NBA**, ably led by the indefatigable and dogged **Chief A.S Awomolo, SAN**. For the records as well, the motion to constitute the **Committee of Chairmen and Secretaries** was moved and adopted at the **Law Week programme** of the **NBA**, Ikeja Branch held in 199\_. **Chief Dosu Ogunniyi**, a foremost **Bar** leader was the then **Chairman** of the Ikeja Branch. Without being immodest, I was the **Guest Speaker** at that **Law Week**. I think I better stop here from further cataloguing the efforts of the **Body of Benchers** as of then, but let me quickly add that it is somehow strange that the **NBA** will now rebuff the reconciliatory efforts of the **Body of Benchers**.

21.5 May I correct the wrong impression deliberately created that the **Body of Benchers** is setting up the **Alhaji Bashir Dalhatu Committee** to probe the last **NBA** elections. Nothing can be farther from the truth. Be that as it may, the **Committee** is already in place, headed by a respected past **Chairman** of the **Body**, **Alhaji Bashir Dalhatu**. Other members are **Honourable Justice B. S. Bansi OFR, Life Bencher**, **Sir G. Ofodile Okafor, OON, SAN, Life Bencher**, **Honourable Justice A. N. Nwankwo, CON**, **Mr. Umeh Kalu, SAN, Life Bencher**, **Mr. Adetokunbo Kayode, SAN, Life Bencher**, **Chief John A. A. Ochoga, SAN, Life Bencher**, **Mr. Olumoyiwa Akinboro, SAN, Life Bencher**, **Prof. Ogugua, V.C Ikpeze, Life Bencher**, **Mrs. Olufunmi Oluyede, Life Bencher**, **Mr. Yunus Ustaz Usman, SAN, Life Bencher**, **Dr. Muiz Banire, OON, SAN** and **Lady Debbie N. Obodoukwu, Life Bencher**.

21.6 You are not unaware of the several offensive publications (to put it mildly) that certain identified leaders of the **NBA** have orchestrated against me and my person in the past one year, all of which have been elaborately circulated in the prints, electronics and social media, (including paid advertorials in leading national dailies), and the deliberations on some of the publications at our last meeting of **24th January, 2023**. I take the attacks with equanimity. It is part of the price I have to pay for who I am, through the **grace of God**. It is also expected that any leader of my status will go through unjust travails at one point or the other, but the important thing is for a leader not to quake, cave in or succumb to any unwholesome bait. I was always conscious of the fact that I occupy a very distinguished and eminent position in succession to worthy, noble, revered and venerated

predecessors-in-office. Hence, my deliberate decision not to join issues, but let me boast in the Lord that I have my integrity before me, and it remains intact. Like the Psalmist of old, I can always say that: ***“But as for me, I will walk in mine integrity:”***<sup>5</sup>

21.7 Nevertheless, it is pertinent I repeat part of my **charge** during the **Call to Bar Ceremonies** on **6<sup>th</sup>** and **7<sup>th</sup> December, 2022**, where I admonished the young lawyers, as well as all of us thus:

**“Do not engage in strife, blackmail, mudslinging, campaign of calumny, treachery or any attempt to run or pull anyone down. Flee from envy like a plague, for envy breeds hatred and unjustified contempt for others. Appreciate your colleagues and peers, as well as senior members of the profession who have received God’s benevolence, and pray that your own time will come.”**

## **22.0 THE SECRETARIAT**

22.1 The past one year has witnessed a beehive of activities, and I am proud to say that all the activities have been most successful. We could not have achieved this level of success without a very robust, understanding, cooperating, efficient secretariat, headed by an equally cool, calm, humble, resourceful, hardworking, efficient, and very understanding **Secretary, Daniel Manasseh Tela, Esq.** As a person, I know that it is not that easy working and coping with me, and at times, moving at my pace. Within a couple of weeks, **Mr. Tela** studied and adapted to my style, including calling him at odd hours in the midnights, and giving him instructions through messages and mails, always demanding that he should treat them as very urgent. He and his team did not at any time complain about my idiosyncrasies, rather, they adapted to them cheerfully and unpretentiously. For the records, I pay tribute to this energetic and industrious Secretariat team, headed by a very promising and cheering leader, **Mr. Daniel Manasseh Tela, Esq.**

## **23.0 CONCLUSION**

23.1 As I conclude this address, I hereby appreciate all **Benchers** for the massive and unflinching support I received across board in the last one year. But for you and your fidelity to my leadership and the **Body** itself, we would not have been able to record the achievements highlighted in this address. When the distractions were mounting and approaching a crescendo, you stood by me

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<sup>5</sup> Psalm 26:11 King James Version

like the rock of **Gibraltar**. You did not only encourage me but also keep applauding my humble leadership. Drawing such solidarity from the very best in the profession, statutorily defined as “**a body of legal practitioners of the highest distinction in the legal profession in Nigeria**” is not something I take for granted, but one that I will treasure and covet for life. I am a child of grace, and I always boast in that grace to the glory of God. I thank the Almighty God for preserving all our lives in the last one year.

23.2 I particularly thank and appreciate God that we did not rise to observe a **minute of silence** in memory of any one of us throughout the year. I plead that you extend more cooperation and solidarity to the incoming **Chairman, Honourable Justice Mary Peter-Odili, JSC, CFR, Life Bencher**, who I believe will not only take off from where we stopped, but also surpass our humble achievements. While I now leave the stage to join the **Committee of Elders**, I promise my loyalty to the **Body of Benchers** and my unalloyed support for my successor-in-office.

23.3 Thank you for listening.

**Chief (Prof.) Wole Olanipekun, CFR, SAN, LL.D, D.LITT, FCIArb., FNIALS**  
**Chairman, Body of Benchers**  
**30<sup>th</sup> March, 2023**