

**SPEECH BY THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION, MAZI AFAM
OSIGWE SAN AT THE OPENING OF THE 2024/2025 LEGAL YEAR OF THE FEDERAL
HIGH COURT AND JUDGES' CONFERENCE**

Protocols

1. My Lords, esteemed colleagues, and distinguished guests, it is with enormous honour that I address this Court's 2024/2025 Legal Year Special Court session. It is Seneca who is reported to have reminded us that "every new beginning comes from some other beginning's end". Permit me therefore to reiterate that this occasion marks not just a ceremonial milestone but an opportunity for reflection, renewal, and recommitment to the ideals of justice, fairness, and the rule of law. It is a moment to celebrate the Court's achievements, confront its challenges, and chart a dynamic course for the future. This new legal year therefore not only marks the end of the 2023/2024 legal year but the beginning of a fresh start, endless possibilities, and opportunities for milestone progress.
2. **Occasions like this reminds** us that justice must not only be available but also accessible, swift, and impartial. This occasion reminds us that the judiciary has an onerous duty of ensuring that justice flows like a river and quenches the people's quest for resolutions of disputes that they bring before the courts. Thus, the judiciary is seen as the last hope of the common man and the backbone of a just society. **At its core,** it serves as a defender of rights, a dispenser of justice, and an essential force for maintaining societal order. Trust is cultivated when courts operate with fairness and efficiency, and society flourishes. Oftentimes, however as is the case in Nigeria, there is a huge gap or disconnect between reality and perception in the societal perception of how well the judiciary has performed the task.
3. The judiciary's responsibility is to ensure that justice flows unimpeded, meeting the public's demand for justice, equity, accountability, and just resolution of disputes. Courts are not merely to adjudicate cases; they must safeguard the rights and freedoms of all Nigerians and uphold the sanctity of the law. As I reflect on the state of our judiciary, I recall the remarks I made at the Supreme Court's

2024/2025 Legal Year ceremony, where I acknowledged the growing gap between societal expectations and perceptions of judicial performance. I will use this opportunity to remind us that while the judiciary is the custodian of justice, public trust in its integrity must be maintained. Negative perceptions, whether founded in reality or misrepresentation, must not be ignored. It is therefore incumbent upon all stakeholders to close this gap through transparency, accountability, and the consistent delivery of impartial justice.

4. At risk of sounding prolix, I will repeat that there is a growing perception by more Nigerians that our courts do not give justice, waste a lot of time, are corrupt, and do not protect the indigent, **rights**, and interests of the citizens. This perception appears to be highest for judicial decisions in electoral and political cases. **Some of these decisions not only do violence** to laid down precedents but also introduce a lot of uncertainties and contradictions/ conflicts into our jurisprudence. It worries us that there is a growing belief by many Nigerians that judgments can be influenced by extraneous factors. These perceptions erode trust in our judicial institutions. This perception, regardless of its accuracy, must be addressed urgently to preserve the judiciary's integrity as the last hope of the common man.
5. My Lords, the Federal High Court is oftentimes saddled with the initial determination of complex and sensitive cases, including those involving the resolution of commercial and political disputes, with far-reaching impacts on the **socio-economic, and socio-political** development of our nation. This court like all other courts must continue to uphold its mandate with fairness, efficiency, and independence. The Court must improve access to justice by developing the courts to be user-friendly, applying technology to speed up the filing and service of court processes, disposing of cases promptly, and putting in place measures that ensure quick dispensation of justice without resorting to technicalities, delays or time-wasting measures.
6. May I therefore, respectfully draw attention to the challenges with the **procedures** for making payments for filing of processes in this court through the **Remita System** by generating an online invoice and invoice number. This process is often hindered by network issues, making it difficult to generate invoice promptly. Another

challenge with filing in the Court is the limited number of payment points. I am told there are only two available here in Abuja. This results in long queues and extended waiting time for lawyers attempting to make payments. Expanding the number of payment points could significantly alleviate this issue. The Court may therefore wish to explore the kind of payment platforms used at the various airports for making such payments or indeed explore solutions to improve network connectivity for seamless Remita transactions in the Court's registries.

7. My Lords, it is our fervent hope that in this legal year, the Court will be at the forefront of judicial reforms in the following areas: **Case management and scheduling time slots**, notification to Lawyers of adjournments to avoid resources and time being wasted in getting to a court only to be told that the court would not sit, putting **in place** a functional and efficient e-filing platform which incorporates an online payment platform to end the unnecessary costs, delays and inefficiencies encountered in filing processes in many registries etc. The manual operations in our courts, and seeming disdain for digitalization by judicial officers, court officials and lawyers do not engender efficiency, responsiveness, accountability and transparency, which digitalization will infuse into a system.
8. Swift justice delivery not only enhances public confidence but also strengthens the rule of law. In a keynote address delivered by Vice-President Yemi Osinbajo on behalf of President Muhammadu Buhari at the 2021 All Nigeria Judges' Conference in Abuja, **he had stated** that there is a need for the judiciary to evolve strategies that would enhance the justice delivery system in the country. According to him: "We are part of the global marketplace for investment and legal services. The extent to which we can attract business to our country depends in fact upon investor perception of the quality of our justice delivery system".

Continuing, the **Vice-President** said: "If we are seen as inefficient and ineffective, we would lose out to more efficient systems..." As my lords are aware, delays in the dispensation of justice, coupled with the increase in the number of cases in our courts, have remained a subject of grave concern. As someone said, **our problem is not access to justice, it is exiting the justice system. I know that the delays are not necessarily the fault of the judges, lawyers are also responsible.** Should we, as some suggest, develop a court award system that recognizes the judiciary as the ultimate and comprehensive public recourse? In such a system, delays and other obstructive

tactics would be penalized with deterrent costs. I am not unaware of the number of challenges slowing the pace of transformation in our administration of justice system. More needs to be done to strike a sound balance between a high level of productivity, the quality of judicial decisions, and careful consideration of cases.” He advised that huge “deterrent costs” should be imposed on lawyers that help litigants to unduly delay cases. We agree with this.

9. At all times we must all ensure that Judicial independence is not only guaranteed but actualized. The judiciary must be insulated from political, financial, or social pressures that may compromise its role as an impartial arbiter. Judges must remain steadfast in their commitment to justice and free from undue interference. Equally, judicial officers who deviate from ethical and professional standards must be held accountable to maintain public confidence in the system. We must make a conscious decision to ensure that judicial officers who give decisions that neither accord with laws, facts, or judicial precedents are seen off the bench, and ensure that lawyers who are involved in such cases are equally disciplined.
10. It is now a common belief that litigants and their lawyers, not only shop for judicial divisions for their cases but sometimes also shop for judges. Shopping for judicial divisions or judges, where this happens, must be treated as proof of an attempt to corrupt judges or actual corruption of judicial officers. Forum shopping, whether by choosing judicial divisions or judges to obtain favorable outcomes, must also be treated as an attempt to compromise the independence of the judiciary. Indeed, it is an indication not to observe the rule of law, promote and foster the cause of justice, and maintain a high standard of ethical conduct by the persons involved in it. It suggests a deliberate attempt to manipulate the process of justice, which is tantamount to corrupting judicial officers or even outright corruption. We unequivocally condemn these practices and are committed to collaborating with the judiciary to eradicate it. Lawyers who engage in forum shopping not only violate the ethical codes that govern our profession but also erode public trust in the legal system. Such conduct should not be tolerated.
11. My Lords, we are worried by a recent trend where lawyers file matters before the Federal High Court, in situations where the Court would appear not to have jurisdiction to entertain such matters. It is, therefore, disheartening to observe

instances where the Court has entertained matters falling outside its mandate, thereby encroaching upon the jurisdiction of other courts and in some cases giving rise to conflicting decisions by this Court and State High Courts concerning the same subject matter. This trend, if not decisively addressed, poses a significant threat to the integrity of our judicial system. It risks creating a scenario where litigants deliberately make the Federation, the Federal Government, or any of its agencies justify bringing a matter before this Court, when in fact such matters have no business either in this Court or some chosen jurisdiction, particularly, Abuja.

12. My Lord, such deviations disrupt the delicate balance of our judicial architecture, create jurisdictional conflicts that frustrate litigants, bring about uncertainties, waste judicial resources and time, and give a bad image to our courts. The Federal High Court must remain true to its statutory and constitutional mandate and resist the temptation to expand its reach into matters designated for other courts. As we enter this legal year, I must emphasize the need for improved infrastructure, and resources for the judiciary. The Federal High Court, given its expansive jurisdiction and significant caseload, requires adequate facilities and technological advancements to ensure efficient justice delivery. We remain committed to advocating for these improvements and supporting the judiciary in its modernization efforts.

13. The NBA has been a strong advocate for the modernization of our judicial processes, from digital case management to electronic filings. We are committed to supporting the Federal High Court in any way possible to adopt and integrate these advancements, which are **keys** to ensuring timely and effective justice delivery. Our courts must reflect the importance of the work that occurs within them. Investing in modern and functional infrastructure is not a luxury but a necessity. Conducive and well-equipped court facilities are essential to efficient justice delivery and to maintaining the dignity and authority of our judicial institutions. We call on the government to prioritize the improvement of court facilities and ensure that they meet the standards required for effective judicial operations. I must specifically call on all stakeholders to ensure that the

magnificent Federal High Court building in Lagos is completed and put to good use within this legal year.

14. I will digress to urge that immediate steps be taken to improve and harmonize the salaries and allowances of judiciary workers, and law officers, now that there is a new framework that stipulates the remuneration of judicial officers, to provide new salaries, allowances, and fringe benefits to Judicial officers across the country to end prolonged stagnation in their remunerations and reflect contemporary socio-economic realities. Since judicial officers need an incentivized and well-remunerated workforce to achieve justice delivery, we should take steps to ensure that judicial workers, and indeed law officers, benefit too.
15. My Lords, this legal year offers an opportunity for all of us to reaffirm our commitment to foster public trust in the judiciary by continuing to champion justice, accountability, transparency, and impartiality in every case, every decision, and every interaction. We must therefore continue to streamline processes and prioritize swift and effective justice delivery. An efficient judiciary is one that not only fulfills its mandate but also commands the respect and confidence of those it serves.
16. May I seize this opportunity to respectfully, call on the Chief Judge of the Federal High Court to direct the judges of this Court to work with the respective NBA Branches within their jurisdictions to ensure that all Federal detention facilities are visited and inspected by Judges once a month, pursuant to the requisite provisions of the Administration of Criminal Justice Act. We all have a crucial role to play in monitoring and ensuring that the requisite authorities carry out their statutory duties of inspecting detention facilities in various parts of the country. As we open this legal year, let us make the administration of justice a central priority. It is essential to avoid unnecessary delays that may deny citizens timely justice.
17. My Lords, I wish to respectfully address a troubling trend that has garnered widespread concern within the legal community and among the public - the frequent reposting of judges to different judicial divisions within short periods. While administrative restructuring and resource optimization are essential for a functional judiciary, the current practice of frequent and recurrent postings

undermines the very principles of access to justice and the welfare of our judicial officers. Judges need time to familiarize themselves with their jurisdictions, understand the peculiarities of the community they serve, and manage their dockets efficiently. When judges are uprooted and reassigned multiple times in a short span, they are deprived of the opportunity to develop the consistency and familiarity required to deliver timely and effective justice. This inevitably slows down the wheels of justice, leaving litigants in a limbo of uncertainty and delays.

18. My Lords, permit me to note that these frequent postings result in increased costs, both for the country, the judiciary, and for the judges themselves. The financial, emotional, physical, and psychological toll of relocation, including moving households, settling into new accommodations, and other logistical requirements, are neither trivial nor justifiable when it happens repeatedly. This also places additional strain on already limited judicial resources that could be better allocated towards enhancing judicial infrastructure and operations. Indeed, it means a judge may never take along his household to any posting as the uncertainty surrounding judicial postings may make that unwise. Constantly moving from one division to another disrupts the personal and family lives of affected judges, separates them from their families, and creates a sense of instability that is incompatible with the demands of their work. A judge who is perpetually unsettled cannot be expected to perform optimally, and this may have ripple effects on the quality of justice delivery.

19. We therefore strongly urge the leadership of the judiciary to reconsider this approach to postings and adopt a more stable and predictable system that balances administrative needs with the practical realities faced by our judges. It is suggested that in the absence of exceptional circumstances, a judge should stay in a particular posting for at least three years. **This, we believe,** will ensure that our judicial officers have the stability they need to perform their duties effectively while safeguarding their security, welfare, and peace of mind.

20. My Lords, as we commence this new legal year, let us rededicate ourselves to advancing the principles of justice, accountability, and respect for the rule of law. Nigerians look to the judiciary for protection and upholding of their rights. Let us

not fail them. Our commitment to justice must be unwavering. For the judiciary to be effective, it must hold itself to the highest ethical standards. Every interaction, every ruling, and every act of judicial conduct should reinforce the principles of fairness, impartiality, and justice. As legal practitioners, we have a role in this. The Bar and Bench must work in partnership to uphold the rule of law and ensure that we always foster an environment where the rights and freedoms of all citizens are respected and protected.

21. On behalf of the Nigerian Bar Association, I extend our best wishes to the Federal High Court for a successful and impactful legal year ahead. I pray that God will grant sound health, a good and qualitative life **to all who labour** in this temple of justice. May we all work together to strengthen the pillars of justice upon which our society rests, ensuring that our judicial system remains a true beacon of hope and equity.

Thank you.

Mazi Afam Osigwe, SAN
President, Nigerian Bar Association
2nd December, 2024