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### **Chief T. J. Onomigbo Okpoko, SAN's Brief Reaction to "Directions and Outcomes of the Honourable Attorney General of the Federation, Prince Lateef O. Fagbemi, SAN on the Report of the 3-Man Committee" Headed by Chief Wole Olanipekun, SAN**

My very dear friend and official leader of the Private Bar in Nigeria, the Honorable Attorney-General of the Federation and Minister of Justice (HAGF), Prince Lateef O. Fagbemi, SAN, I send you my brief comments on the statements issued in your name and from your office. My comments are not intended to address all the issues raised in this matter. It is to point out certain fundamental errors in relying on the Chief Wole Olanipekun SAN Committee's report upon which you may have based your directions or decisions.

A document described as "Directions" under your hand has come to my attention. I do not know who sent it, so I cannot swear that it was sent by you. Whoever may have sent the document to me, please permit me to proffer my brief response and submit that it is not safe to rely on the report of Chief Wole Olanipekun, SAN Committee for any decision or direction in the matter of NBA and the NBA election. I set out below, briefly, the basis for my views on the ongoing matter.

1. The "Directions" were described as arising from "the present conflict within the Nigerian Bar Association". As a stakeholder in this matter, I set out to determine what this 'conflict' was. Despite reading the directives over and over, I did not find evidence of any conflict between the Nigerian Bar Association and any person or body. It is necessary to make this preliminary observation so as to appreciate how I view the other part of the report. No party/person, to my knowledge, appears to have any issues with the NBA. If anyone can find any such issue in the papers I have read, I will be glad to be shown where such issue is defined.

2. In Paragraph 7 of the statement, it was stated thus:

*“After listening to the Participants, I, again, in my capacity as the HAGF, summarized the issues in contention and invited suggestions on the way forward to resolve the conflicts highlighted by the various parties. Babatunde Ogala, SAN, counsel to the Incorporated Trustees of the NBA, proposed the establishment of a committee to be headed by Chief Wole Olanipekun, CFR, SAN, Prince Lanke Odogiyon and Paul Usoro, SAN, FCI Arb and their mandate, inter alia was to examine the cause or causes of the present conflicts within the NBA leading to the institution of the referenced cases and to make appropriate recommendations on the way forward to the Honourable Attorney-General of the Federation and Minister of Justice”*

**2.1** Whatever issue there is in this matter, *“the establishment of a committee headed by Chief Wole Olanipekun, CFR, SAN”* in the circumstance of this matter totally vitiated whatever report the Committee submitted. Egbe Amofin is admittedly the Claimant in the two suits filed at the High Court in Oyo State. A suit filed by or on behalf of Egbe Amofin, is binding on all members represented by the named plaintiffs of that Body.

**2.2** It is my humble view that it being admitted that Egbe Amofin is an association of Yoruba lawyers in the West, of which Chief Wole Olanipekun, SAN is a member and leader/one of the leaders makes him an interested party in the matter and by the ordinary tenets of justice, he is disqualified from serving as a member of the Committee, let alone serving as the Chairman of the Committee “set up to examine cause or causes of the present conflicts within the NBA”. I am sure that this point was not considered at the meeting, hence this fundamental error was allowed to go through. Chief Wole Olanipekun, SAN must be regarded as disqualified from participating in the Committee. In that regard, he ought to have declined his appointment to serve on the Committee. The rule that a person cannot be a judge in his own cause, is very well established. My view therefore is that the appointment of Chief Wole Olanipekun, SAN as a member and chairman of the Committee involves conflict of interest. The report of the Committee presided over by him cannot be a valid basis for any valid direction in the circumstance of the matter at hand.

3. I have searched through my NBA records including minutes of meeting in an attempt to find out whether Egbe Amofin is an accredited and/or affiliated member of the NBA or is a body recognized by the NBA. I did not find any connection with the NBA. So what then, is the basis upon which Egbe Amofin seeks to quarrel with the NBA in respect of its internal affairs? In the report by the Committee, Egbe Amofin O’Odua was quoted to have raised in a memo before the Committee as follows:

“Its decision as far back as 2019/2020 to follow the Constitution of the NBA, particularly paragraph 4, Part III, (2<sup>nd</sup> Schedule) NBA Constitution, 2015 (as amended in 2025) which provides thus:

“Where a position is zoned to any particular geographical zone, the position shall be rotated and held in turn by the different groups and/or sections in the geographical zone.”

Egbe Amofin is not a zone for the purpose of NBA elections within the meaning and intendment of the NBA Constitution 2015. It therefore has no locus in NBA elections. If members of Egbe Amofin made the purported decision as far back as 2019/2020 for themselves, that decision is for its members. Their decision has nothing to do with the NBA or its election. The zoning policy of the NBA is designed to ensure that the office of its President rotates between zones and not to limit the number of contesting candidates from any zone. The NBA zoning policy is not intended to prevent any candidate from a particular zone who seeks to be President from contesting the election or, if elected, from assuming office merely because he or she was not the preferred candidate of that zone.

4. A finding of the Chief Wole Olanipekun, SAN Committee quoted in paragraph 17 (i-vi) of the Directive states inter alia as follows:
- i. That the idea of zoning the Presidency of the NBA in particular was first mooted in the year 2000 when two former Presidents of the Association (O. C. J. Okocha, SAN and Chief Wole Olanipekun, CFR, SAN) were then running and campaigning as candidates for the office of President of the Association, O. C. J. Okocha from the South-East and Chief Wole Olanipekun, SAN from the South-West.

- ii. Although the zoning formula/arrangement was not enshrined in the NBA Constitution until much later, it was implemented seamlessly between them and thereafter substantially.
  - iii. In the South-West, the practice is for Egbe Amofin, which serves as the umbrella for all lawyers of the South-West extraction, to call for expression of interest among all the aspirants wanting to vie for positions at the national level, after which the Egbe Amofin would constitute a committee to interface with the interested candidates and, eventually, adopt one of them for the position.
  - iv. Egbe Amofin, pursuant to the NBA Constitution, agreed on micro zoning within its different states, as borne out by Annexure B to its Addendum, an annexure which is attached to this Report as Annexure 12.
  - v. For the 2026 Elections, Egbe Amofin micro-zoned the office of the President to zone 2, which comprises Oyo and Osun States.
  - vi. That Egbe Amofin set up a committee of 6 people, Oluwatoyin Bashorun, SAN, Kunle Adegoke, SAN, Seun Abimbola, SAN, Gemiga Adaramola, Esq, Prof, Fassi Yusuff and Dr Banke Oloba Olateru, to interact with the four candidates from the South-West who showed interest in the NBA Presidency from within its fold. The four candidates are Aare Muyiwa Akinboro, SAN; Mr Lateef Omoyemi Akangbe, SAN; Prof. Foluke Dada-Lawanson; and Mrs. Oyinkansola Badejo-Okusanya, SAN. The Report of the Committee, annexed to Egbe Amofin's memo as Annexure C, is attached to this Report as Annexure 13.
- 4b** The purported findings of the Chief Wole Olanipekun, SAN Committee are wrong. There was no zoning policy in the time O. C. J. Okocha who contested with Chief Olanipekun, CFR, SAN. The zoning policy came about during the presidency of J. B. Daudu, SAN. There was no South West zone. The Old West Nigeria constituted the West zone made up of the five Yoruba States and Bendel State made up of Edo and Delta states. When Alegeh, SAN and Olumide Akpata sought to be elected Presidents, the West zone did not stop other candidates from contesting against them or stop members of the NBA nationwide from choosing who would become NBA President.

- 4c The Committee conceded in Paragraph 17(ii) that zoning formula was not enshrined in the NBA Constitution and in sub paragraph (iii) of the report is stated as follows:

*"In the South-West, the practice is for Egbe Amofin, which serves as the umbrella for all lawyers of the South-West extraction, to call for expression of interest among all the aspirants wanting to vie for positions at the national level, after which the Egbe would constitute a committee to interface with the interested candidates and, eventually, adopt one of them for this position"*

- 4d This practice is not a practice of the NBA and is not one that the NBA can adopt. The practice is not known to the NBA. Egbe Amofin cannot function as the machinery for selecting the candidate to be President of the NBA. No single candidate has ever been elected unopposed or returned unopposed as president of NBA.

Further, NBA, as admitted in the report, is an umbrella body for all lawyers of South-West extraction. The lawyers practicing in the South-West are not limited to Lawyers of South-West extraction. They are lawyers of different extractions including Igbo extraction, Northern extraction, Edo extraction, Urhobo and Isoko extraction among others. Egbe Amofin made up of people of Yoruba extraction alone cannot dictate who to contest election into any office of the NBA from the Western Nigeria zone which includes the Old Mid-West. There has never been a single occasion when the candidate selected by one group, prevented other candidates from contesting election for the same office.

- 4e Former President Alegeh, SAN contested from the West zone made up of the Western states and the states of the Midwest against other candidates from the West. They all contested and the preferred candidate won. It was also the same with President Olumide Akpata.

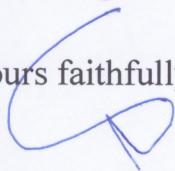
Egbe Amofin made up of lawyers of Yoruba Extraction cannot by its decision impose a candidate on NBA or prevent a candidate from the West from contesting the election. The committee found that there were four contestants. In reality, Chief Wole Olanipekun SAN Committee is only seeking to prevent any of the other three contestants from contesting the election and thus infringing on the rights of the Nigerian Lawyers to elect their president. This is unjust and unacceptable under any circumstances. If there are 4 candidates, what authority does Egbe Amofin have to stop all other interested candidates from contesting the election? Egbe Amofin is not and cannot be the nominating and voting authority in the NBA election.

5. Honourable Attorney-General, the foregoing constitutes the brief comment I am able to make at this stage. You cannot afford to allow your name and office to be associated with the recognition of Egbe Amofin as the nominating authority for the NBA elections of its officers. The best is to advise Egbe Amofin and its members to stand behind candidates selected by them and leave the other contestants to carry on with their campaign and contest for the position they seek. It will be an act of oppression if the Honourable Attorney-General accepts Egbe Amofin as a nominating arm of the NBA. Such a step will create a very bad precedence for the future. The NBA must not allow itself to be pushed into a pit dug by Egbe Amofin without knowing the depth of the pit and the danger it poses to the NBA, the largest Private Bar in Africa. Let us not be persuaded by the manipulation of Egbe Amofin and its leaders. Everyone should have the chance to contest for any office in the NBA as it has always been in the time long past. Permissiveness in this respect may lead to unforeseen consequences that may destroy the Honourable Body of Nigerian Lawyers.

I ask therefore that you take a second look at the matter and reject it in totality. I saw what happened at the 1992 conference in Port Harcourt. I saw what the profession went through from 1992 – 1998. I came round to be the 18<sup>th</sup> President and had to do the rehabilitation work. It took my time, energy and money to be able to sustain and revive the Bar. I thank all those who worked with me at that time. I thank in particular, Chief Awomolo SAN, who brought the branches together as the Chairman of Chairmen. I thank the Senior members from all part of the country. Mrs. Hairat Balogun for supplying records, Kehinde Sofola, SAN, my friend, Chief Anthony Mogbo SAN and others.

I wish the Honourable Attorney-General God's guidance and wisdom to look into this matter carefully and save the NBA from the ruinous path which the Egbe Amofin is charting for the NBA.

Yours faithfully,



Chief T. J. O. Okpoko SAN