**SPEECH BY THE PRESIDENT OF THE NIGERIAN BAR ASSOCIATION AT THE SPECIAL SESSION OF THE SUPREME COURT TO MARK THE BEGINNING OF THE NEW LEGAL YEAR/CONFERMENT OF THE RANK OF SENIOR ADVOCATES OF NIGERIA**

**PROTOCOL**

1. This address at this Opening of Legal Year Ceremony of the Supreme Court of Nigeria will be my first public address as the President of the NBA. Today's event is therefore three-fold: a celebration of the personal achievements of those joining the rank of Senior Advocates of Nigeria, reaffirming our collective commitment to advancing the administration of justice in Nigeria as we mark the formal opening of this Court’s Legal Year and celebrating the appointment appointment and swearing-in as the Chief Justice of Nigeria of Honourable Justice **Kudirat  Motonmori Olatokunbo Kekere-Ekun, CFR**, as the 23rd Chief Justice of Nigeria (CJN); 19TH indigenous CJN and the second female CJN.
2. I therefore at this point, congratulate Honourable Justice **Kudirat  Motonmori Olatokunbo Kekere-Ekun, CFR**, on her appointment and swearing-in as the Chief Justice of Nigeria. His Lordship is coming in at a time so much is expected from the judiciary. It is a commonly agreed position that Nigeria can only attain the much desired socio-economic, political development, stability and sustainability, if it has an effective and efficient justice system, which will establish and guarantee the maintenance of laws and regulation of the state and citizens behaviours and relations. Nigerians are groaning under the weight of depleted public revenue occasioned by profligacy, waste in governance, misplaced priority, lack of accountability, terrorism, insecurity, lack of transparency in the management of public funds, corrupt practices, gross violation of human rights, prolonged detention without trial, disobedience of court orders, intimidation of judicial officers etc. Thus, Nigerians expect that the only thing that could guarantee them some degree of enjoyment of their fundamental rights as well as accountability in government is effective administration of justice. Indeed, many Nigerians have coming to liken the hope that they would enjoy effective justice delivery in Nigerian to waiting for Godot.
3. Of the three arms of government, the judiciary is the branch of government that directs the society to the attainment of justice. Institutionally therefore, the judiciary has the duty of upholding the rule of law and ensuring the supremacy of the law. From the answers the CJN gave at the Senate Confirmation hearing we believe that efficiency, transparency and accountability will be her watchword. The NBA believes that in title alone, His Lordship will be called Chief Justice of Nigeria, but in nature, conviction, vision, practice and antecedents, remain a reliable jurist and friend to professional colleagues regardless of status, age, niche or origin. I believe she will improve the standing of the Nigerian judiciary, proactively address issues affecting administration of justice, enthrone appointment of judicial officers devoid of influence by politics, personal relations, connections or status and fashion ways to promote the protection of the rule of law.
4. The opening of the legal year is a time for reflection, renewal, and rededication to the values of justice, fairness, and the rule of law. It provides an opportunity to acknowledge the work done by the judiciary in the past year, while also looking forward to the challenges and opportunities that lie ahead. The opening of the legal year is consequently more than a ceremonial occasion. It is a moment when as officers of the law, we pause to reaffirm our dedication to upholding justice, ensuring the rule of law, and protecting the rights and freedoms of all Nigerians. The judiciary is, after all, the bedrock of our democracy, and it is through our work that justice finds expression in the everyday lives of our citizens.
5. This Legal Year ceremony is coming at a time when to borrow the words of a past Chief Justice of Nigeria, Honourable Justice Dahiru Musdapher of blessed memory “… as it stands today, it appears that the society is not entirely satisfied with the performance of the judiciary”. One may wonder why we should bother about the public perception of what our courts decide. Some may insist that public opinion is inconsequential and that the courts or the legal profession should not be bothered about what members of the public think or make of court judgments. Supporters of this viewpoint remind us that “the law is what the courts say it is”. Persons who subscribe to this school of thought argue that the law is not what the statute books say it is, but that the law is what the judges say in their judgments (decisions) that the law is.
6. Those who demur, insist that perception is stronger than reality. I will use an anecdote to help drive home the point, that we should not pretend that perception should be ignored. The illustration goes thus; several years after leaving secondary school, a man met one of his schoolmates and could not believe his eyes; his friend was driving a brand new shiny Sport Utility Vehicle (SUV). The man went home feeling he had failed. He was very disappointed in himself. He thought he was a failure. Unknown to him, his schoolmate was a driver and had been sent on errands with his boss's car! He had been fooled by his perception that his friend owned the vehicle. This story reminds one of what an anonymous writer once said: “With reality, there is not much room to maneuver, with perception we can exaggerate or modify according to the need”.
7. Perception is therefore of utmost importance as much as reality. While we must ultimately be concerned with reality, we should not feign indifference to how we or our actions are perceived by others, especially the public. This is of utmost importance in the administration of justice, in this instance, I will use as example, decisions in electoral matters. As stated by Lord Hewart in R v Sussex Justices, ex parte McCarthy ([1924] 1 KB 256, [1923] All ER Rep 233 where Lord Hewart observed that what was important was not what was actually done, but what might appear to have been done. Lord Hewart in fact held: “Nothing is to be done which creates even a suspicion that there has been an improper interference with the course of justice.” Problems arise when people’s expectations are not met by court decisions or when they go away, not believing that the decisions of courts are either justified or correct. It is equally worse when people believe that court judgments are bereft of justice.
8. Having made this point about the imperativeness of not ignoring public perceptions about decisions of our courts, I must remind us that there is a growing perception among many Nigerians that judicial officers are oftentimes appointed without regard to merit, that our courts do not deliver justice, waste a lot of time, are corrupt, often fail to protect the indigent as well as the rights and interests of the citizensn The negative perception about judicial decisions appears to be highest concerning judicial decisions in electoral cases. I therefore agree with late Honourable Justice Dahiru Musdapher when he said “Hard as it may be to accept, we feel it is less important to focus on whether this assessment is fair or not. The important thing is for us to transparently come to terms with the prevailing realities, accept the gap in expectations, and do our utmost to bridge it”.
9. Notwithstanding the negative perception, I must admit that our courts have done creditably well but will go further to admit that a lot more could still be done. This is because no matter how good anything or situation is, there is always room for improvement. A revered past President of the NBA, J.B. Daudu, SAN once said “the judiciary has had its share of the good, bad and ugly. But it still remains the last hope of the common man. The judiciary is the gum that binds society. To prevent a situation where every family or street will have a war lord whose sense of justice is determined by his temperament, the judiciary must be alert and proactive in ideas and actions”.
10. As we take a moment to look back on the previous year, it is important to acknowledge the remarkable resilience and unwavering commitment displayed by the judiciary in the face of numerous challenges. Our courts have demonstrated unwavering dedication in adjudicating cases vital to the stability and progress of our nation. However, it is crucial to address the significant difficulties that continue to hinder the administration of justice in Nigeria. One of the most pressing concerns is the persistent issue of delays in justice delivery. For many Nigerians, the pursuit of justice has been arduous and protracted. These delays, often attributed to an overburdened court system, procedural bottlenecks, and insufficient resources, erode public trust in the judiciary. As we embark on this new legal year, it is imperative that we collectively renew our commitment to addressing these inefficiencies.
11. It is unacceptable that many Nigerians, particularly those from rural or marginalized communities, are unable to access the justice system due to geographical, financial, or procedural barriers. Former Chief Justice Mohammed Lawal Uwais once remarked, “For a judiciary to function effectively, it must have the trust and confidence of the people.” But trust in the judiciary is only possible when people believe that justice is accessible and attainable. We must, therefore, explore innovative solutions to make justice more affordable and accessible, such as the greater use of alternative dispute resolution (ADR) mechanisms and the digitization of court processes. Another pressing area of reform is the reduction of the backlog of cases. The reality is that our courts are overwhelmed by the sheer volume of cases, leading to significant delays in justice delivery. As a nation, we must embrace the modernization of our court systems, including the use of technology to expedite case management and reduce unnecessary delays. We must also reduce the number and types of appeals that come to this Court.
12. At the Bar we shall advocate for the computerization of the litigation process including the recording of court proceedings in all superior courts of records. We will also propose Judicial Reform in the following areas (Case Management and scheduling with time slots, notification to Lawyers of adjournments, enforcement of the use of NBA email addresses in the filing of all processes, and customised email addresses for all court registries. The NBA will work for improvement of access to justice by developing courts to be user-friendly, prompt disposal of cases and putting in place measures that ensure quick dispensation of justice without resorting to technicalities, time-wasting or unnecessarily applications for adjournments.
13. We expect that under Your Lordship’s leadership of the National Judicial Council (NJC), NBA shall work with the NJC and various Heads of Courts to ensure effective utilization of the Legal Mail project initiated by the NJC as well as work for the commencement of electronic filing and payment platforms for all superior and appellate courts in Nigeria to end the unnecessary costs, delays and inefficiencies encountered in filing processes in our courts. We also hope that such collaboration will lead to the amendment of various laws and court rules to accommodate electronic methods in conducting activities in courts: filing and services of processes as well as hearing of matters and applications. I am told that a lot can be learnt from South Korea and other developed countries which have fully embraced the electronic method. We note that Supreme Court Rules, 2024 which replaced the Supreme Court Rules, 1985, consolidating all relevant rules and Practice Directions into a single, accessible body of rules for the Court and legal practitioners, has blazed the trail in this regard.
14. My Lord, we also hope that your Lordship’s leadership of the NJC will help ensure that Chief Judges of the States and the FCT make sure that all Police stations and other detention facilities in each State of the Federation and the FCT are visited and inspected by Magistrates and Judges once a month, pursuant to the requisite provisions of the Administration of Criminal Justice Act/Laws. We also hope that the number of inmates in our Correctional Facilities which was recently put at about 73% of the total prison population, will be greatly reduced if the abuse of the holding charge, is addressed. We urge, NJC to work with Heads of Courts to ensure that no court makes a remand order without taking steps to ensure that a charge is filed against a person whom the order is made or that such a matter is periodically reviewed to avoid prolonged incarceration without trial or any charge being filed.
15. The Courts no doubt have a role to play in making sure that no person who has no reason to be in detention is incarcerated. It is believed that thousands of citizens are suffering in unlawful custody in many detention facilities/centres in all the States of the Federation. We all therefore have a crucial role to play in monitoring and ensuring that the requisite authorities carry out their statutory duties of inspecting Police Stations and other detention facilities in the various States of Nigeria and the FCT.
16. May I digress, to humbly request the Chief Justice of Nigeria as the Chairman of NJC to take steps to end the current trend of making the swearing-in of judicial officers a huge funfair filled with pomp and ceremony. The lavish receptions which follow these swearing-in ceremonies are becoming worrisome. They unduly expose judicial officers to politicians and other politically exposed persons. The public mingling and fraternanization of judicial officers and such politicians and other politically exposed person at the events do not paint a good image of the judiciary. This becomes more worrisome in the light of the perception that politicians will do anything to influence judges and their decisions. We are therefore of the view that the overly publicised and widely attended swearing-in ceremonies as well as the very lavish ceremonies being organised by such newly sworn-in judicial officers are robbing the offices they occupy, of the solemnity and discreet nature they deserve. Both the swearing-in and celebrations should be solemn events held in private while receptions should be court-sponsored luncheons for the newly sworn-in judicial officers. The judiciary must show a reluctance to mimic the public exhibition of affluence, wanton display of wealth, and public celebrations.
17. May I now congratulate the new Senior Advocates of Nigeria. I need not remind us that the conferment of the rank of Senior Advocate of Nigeria is a recognition of your outstanding merit and excellence in the legal profession. The rank is not given lightly—it is earned through years of hard work, dedication, and an unwavering commitment to the practice of law. The rank of Senior Advocate of Nigeria is more than a title—it is a call to serve as a leader within the legal profession. As Senior Advocates, you are now the custodians of justice, bearing the responsibility of upholding the highest standards of legal practice, ethics, and integrity.
18. It is crucial to recognize the importance of mentorship within the legal profession. Your role is not confined to personal excellence. You are now expected to mentor younger lawyers, inspire them through your example, and champion the cause of justice both in and out of the courtroom. The younger lawyers look up to senior lawyers and Senior Advocates for guidance, and we must provide that leadership. In this new chapter of your professional life, I encourage you to invest in the growth and development of junior lawyers. Through your mentorship, you can help shape the future of the legal profession, ensuring that it remains vibrant, ethical, responsible and responsive to the needs of society.
19. The prestige of the SAN title places you at the forefront of the legal profession. With the privilege comes a greater duty to safeguard the sanctity of our legal system. In a world where challenges to justice and equity are ever-present, your voice must be heard in the pursuit of legal reforms and social justice. You have the power to influence policy, advance legal thought, and lead the charge for greater accountability in governance. You must live by example. I therefore urge you to seize this opportunity to contribute much more meaningfully to the development of our nation.
20. As we gather here today in this solemn ceremony, we therefore recognize the achievements of those who have shown exceptional skill in advocacy and exemplary professionalism. By joining the Inner Bar, you are being acknowledged not only for your success in the courtroom but also for your service to the legal community and society at large. But as with all great honours, this achievement comes with heightened responsibilities. Today marks not just the recognition of your past efforts, but the beginning of a new journey that calls for even greater commitment to the rule of law and the administration of justice.
21. We will not end this without calling for a review of the **Guidelines** for the **Conferment** of the Rank of Senior Advocate of Nigeria as the current Guidelines academics at the Nigerian Law School, from being awarded the rank as they neither supervise students nor are awarded professorship since the Law School neither awards professorship nor supervises dissertations. Indeed, restricting the award to professors in the academia and who perform certain functions, defeats the essence of the award to academics is to appoint one who “has made significant contribution to legal scholarship and jurisprudence through teaching, research, published works and academic leadership”. The possibility of increasing the number of academics who are annually awarded the rank to about three should be considered. We also Legal Practitioners Disciplinary Committee Rules, 2020 not only to speed up the disciplinary process but also to ensure that the Legal Practitioners Disciplinary Committee focuses only on adjudication and not combine same with investigating and determining a prima facie case before a Respondent is called upon to respond to a petition. NBA is ready to work with the Body of Benchers and the Chief Justice of Nigeria to amend the LPDC Rules to particularly fully restore the role and powers of the NBA in the investigation of complaints of professional misconduct against legal practitioners as well as prosecution of matters before the LPDC.
22. Finally, I note that as lawyers, we must support the judiciary in the delivery of justice. This requires that we approach our work with diligence, integrity, and respect for the court’s processes. The Nigerian Bar Association (NBA) is fully committed to collaborating with the judiciary to address these challenges. Whether through advocating for judicial reforms, promoting continuing legal education, or enhancing access to justice, the NBA remains a steadfast partner in the advancement of the rule of law. As we look forward to this new legal year, let us do so with a renewed sense of purpose and responsibility. We must confront the challenges before us with courage and determination, and always keep in mind the words of the late Justice Taslim Elias: “Justice is the greatest concern of man on earth.” The legal profession has a unique role to play in shaping the future of Nigeria. We are the custodians of the law, and it is through our collective efforts that we can build a justice system that is fair, efficient, and accessible to all Nigerians.

**CONCLUSION**

We must rededicate ourselves to the pursuit of justice. We have an enormous responsibility to uphold the rule of law and ensure that our judiciary remains the last hope of the common man. I pledge the NBA's continued support for the judiciary and its unwavering commitment to improving the administration of justice in Nigeria.

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Let us move forward together into this new legal year with renewed determination to uphold the rule of law and to build a stronger, more just Nigeria.

I wish all of us a very prosperous and much better 2024/25 Legal Year.

God bless the Supreme Court of Nigeria

God bless the Judiciary.

God bless the legal profession.

God bless the Federal Republic of Nigeria.

Thank you for your kind attention

**Mazi Afam Osigwe, SAN**

**September 30, 2024.**