

**ADDRESS DELIVERED**

**BY**

**ADEDOYIN RHODES-VIVOUR, C.ARB**

**FOR AND ON BEHALF OF THE YEAR 2019 SENIOR  
ADVOCATES OF NIGERIA**

**ON THE OCCASION OF THE SWEARING IN CEREMONY  
HELD ON THE 23RD DAY OF SEPTEMBER 2019**

**AT THE SUPREME COURT OF NIGERIA, ABUJA**

PROTOCOLS:

Your Excellency, the Vice President of the Federal Republic of Nigeria, Prof. Yemi Osinbajo  
SAN

My Lord, the Hon. Chief Justice of Nigeria. Hon. Justice Ibrahim Tanko Muhammad, JSC CFR  
My Lords, Justices of the Supreme Court of Nigeria

Your Excellences, the Governors of the States of the Federal Republic of Nigeria here present

The Honourable Attorney General and Minister of Justice, Mr. Abubakar Malami, SAN

My Lord, The President of the Court of Appeal of Nigeria, Hon. Justice Zainab Adamu  
Bulkachuwa

My Lords, Honourable Justices of the Court of Appeal

My Lords, The Heads of Courts and Honourable Judges of all other Superior Courts of Record

Distinguished Members of the Body of Benchers

The President of the Nigerian Bar Association (NBA), Mr. Paul Usoro, SAN

Body of Senior Advocates of Nigeria and all other distinguished members of the learned  
profession

Religious and Traditional Leaders here present

Members of the Press

Distinguished Ladies and Gentlemen

All Other Protocols Observed

I am very humbled standing before this distinguished gathering to present this speech on behalf of the thirty-eight (38) newly sworn in silks on the occasion of our swearing in ceremony. Today as we step into the coveted rank which denotes excellence in legal practice, we must always bear in mind that the rank is a privilege and not a right, a privilege which bestows on us immense duties and responsibilities to the Public, our Colleagues, our Clients, the Judiciary and our Nation.

We commend the Legal Practitioners Privileges Committee, under the Chairmanship of the Chief Justice of Nigeria the Hon. Justice Ibrahim Tanko Muhammed JSC CFR, vested with the responsibility for the process leading to the emergence of those to be admitted to the Inner Bar. Our dear country Nigeria is blessed with so much in terms of human resource and brilliance

therefore the task of selecting from the huge potential those who should be accorded the coveted rank on a yearly basis can be an arduous task.

My colleagues and I are indeed humbled and privileged to have been deemed worthy of access into the Inner Bar. We appreciate the work of the Committee and the time they have painstakingly put into the selection process. We are most grateful for your time and effort. We thank the Lord God Almighty for enabling us all. Indeed it is not by power nor by might but by the Spirit of the Lord God Almighty.

The Legal profession is traditionally regarded as a prestigious profession, a profession of “gentlemen” and lawyers regarded as being of higher rank expected at all times to portray the highest standards of decency and decorum in appearance, conduct and speech. As we step into our new leadership positions at the Bar, the burden of leadership is thrust upon us. Leadership always comes with enormous burden including the burden of sacrifice, responsibility, leading always by example, humility and according dignity and respect to all others.

My colleagues and I being sworn in today appreciate that elevation to the rank does not equate to assuming an ambiance of superiority over other members of the legal profession including those who are yet to be elevated to the rank or lawyers who opt to contribute to the development of the law in other areas which do not involve court representation or the academics. We must be mindful always to treat all our colleagues on the basis of equality of status subject to the rules of precedence.

The rank is a rank of excellence and dignity which we are obliged to preserve at all times and in all situations including in conducting our relationship with the Courts, Honourable Judges, our Clients and members of the public. We should never consider ourselves beyond reproach.

As officers in the Temple of Justice we are obliged to treat the Courts with respect, dignity and honour and channel any legitimate complaints only through the appropriate authority and no other and definitely not through the pages of newspapers or social media. We are obliged not to conduct ourselves in any manner that will obstruct, delay or adversely affect the administration of justice or negatively impact on the perception of Legal Practitioners and our Judiciary by the Public; Domestic and International. We must remember our obligation at all times to partner with the judiciary in maintaining an effective and expeditious judiciary and promoting any improvements in the administration of justice.

We must be mindful that some disputes are best settled out of the court system and that our positions of dignity does not connote to bringing all manner of cases to the courts thereby further congesting our court system and adding to the negative perception that Nigeria has a slow court system. When briefed by our clients we must be conscious of the need to determine the best way to assist the client in resolving the dispute in the client’s best interest including our advising on other options including the use of alternative dispute resolution, an obligation now expressly provided under various Rules of Courts.

Other jurisdictions are now utilizing our own traditional means of dispute resolution such as arbitration and mediation in the quest for expeditious dispute resolution and de-congesting their

court system. They have largely achieved this and we on our part as legal practitioners ought to collaborate and work with various Courts which have incorporated this as part of the reform process in the administration of justice in our country.

We must comply always with the Rules of Professional Conduct for Legal Practitioners drawn up to lay standards of conduct for legal practitioners in a bid to ensure that we engender trust and confidence placed on us in the practice of our profession. We must remember always that the Rules clearly mandate us, as advocates to inform our clients in appropriate circumstances wherein our professional judgment we find their claim or defence hopeless and to bring to their knowledge any particular risk which is likely to occur in the litigation they are pursuing. Each time we fail to do this we are not only contravening Rule 14 (2) (c) and (e) of the Rules of Professional Conduct for Legal Practitioners 2007 but also over burdening the dockets of our already over-worked judicial officers.

My Lords, distinguished Ladies and Gentlemen, may I commend the efforts of our Judiciary in working towards an improvement in the Administration of Justice in Nigeria. Initiatives have been taken to utilize technology in providing for faster means of communication between Lawyers and the Courts through the legal mail software aimed at allowing service of processes by electronic means. Teleconferencing which allows the taking of evidence without the need for physical appearance is becoming a feature in our courts.

Active case management and pre-action protocols entailing the adoption of ADR before approaching the Court have been incorporated into our Rules of Courts and Practice Directions. Various courts have also incorporated ADR into the court system setting-up court connected ADR centres within the courts. As a means to expeditious dispute resolution, directions have been drawn up to ensure the expeditious hearing of appeals particularly that related to crimes like terrorism, rape, kidnapping, corruption, money laundering and human traffic. A country's legal system has an important role to play in our economic development. Investors are largely concerned that disputes arising from the investment relationship are resolved expeditiously.

May I respectfully submit that expanding the scope of matters to be accorded expeditious hearing is in our country's interest, a means of attracting and sustaining foreign investment into our country. The availability of expeditious and alternative dispute resolution mechanisms drives foreign investment. We cannot afford to have our arbitration related matters getting locked up in the court system as is oft times the situation now taking an average of 10 years to go through the various tiers of court.

We respectfully urge our Judiciary to implement rules for expeditious resolution of arbitration related matters in our quest for economic development and attracting the much needed foreign investment whilst also consider limiting the tiers of court for arbitration related court proceedings. The quest to make Nigeria attractive and acceptable as a seat for arbitration cannot be achieved without surmounting the hurdles of delay in our court system.

In the area of criminal law, may I deeply commend the provisions of the Administration of Criminal Justice Act (ACJA) and State enacted Administration of Criminal Justice Laws (ACJL) which provide for the recording of a defendant's statements with a video recorder or the taking

of witness statement in the presence of a legal practitioner. The establishment of prison visitation teams on the condition of prison inmates by the Judiciary can only work towards ensuring that our prisons are reformatory in nature and thereby instruments of rehabilitating offenders back into society and not a place that turns them into hardened criminals.

The Judiciary has commenced the process of reform. Lawyers and other stakeholders must continue to co-operate to bring about improvement in our Administration of Justice system. Sadly foreign courts appear to have taken judicial notice that the Nigerian Court system is slow. The ground breaking decision of **IPCO (Nigeria) Ltd v. NNPC**<sup>1</sup> was the very first reported judgment of an English Court which considered the Claimant's interest in having an award enforced over the Respondent's right to have the Award reviewed by the Courts at the Seat which was in that case Nigeria.

In arriving at its decision the English Court of Appeal accepted the decision of the lower court which had accepted the expert evidence that the 'mills of justice can grind very slowly in Nigeria'. The decision to have the Award enforced despite the challenge proceedings before the Nigerian Court at the Seat of the Arbitration was premised on the "exceptional delay" before the Nigerian Courts. Again in a recent judgment, **AIC Limited v. FAAN**<sup>2</sup> a matter before the British Courts, the Court in its judgment took judicial notice of the 'lengthy and convoluted' proceedings before the Nigerian Courts. In that case the Court took judicial notice that the Nigerian Supreme Court is very busy – respectfully My Lords and distinguished audience we need to ask ourselves whether time has come to reduce the dockets of our Supreme Court Judges by limiting the jurisdiction of the Apex Court to the determination of important issues of law. It is also noteworthy that in the case just mentioned the British Court was also satisfied that there was considerable delay in the compilation and filing of Appeal records required to advance the Appellant's appeal before the Supreme Court of Nigeria.

Thought provoking is the fact that the evidence relied upon by foreign Courts in coming to the conclusion on the pace of the Nigerian Court system is that provided by very eminent Nigerian Jurists. Respectfully My Lords and this distinguished gathering, this only emphasizes the need for very urgent action to change the perception whilst as leaders of the Bar we on our part must avoid any delays in the Administration of Justice in the quest to change the perception. We must draw a line between those cases whose aim is to delay matters, frustrate the ends of Justice or deny a successful party the fruits of its judgment. We must bear in mind always that continuous international/ domestic recognition and respect for our coveted rank rests on the quality of the legal system which has produced us. May I on behalf of my colleagues pledge our determination to always be conscious of the need for expediency in the filing and conduct of our matters before the courts.

Finally, may I touch on a subject very close to my heart; diversity and inclusion. Diversity connotes the inclusion of different types of people in a group or organization. Diversity means respect for and appreciation of our differences including those in terms of gender or any physical challenge. Our differences bring different strengths to the table – equally important strengths,

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<sup>1</sup> [2008] APP.L.R. 04/17

<sup>2</sup> [2019] EWHC 2212 (TCC)

thus allowing for optimum use of our capabilities and appreciating our differences. The rank of Senior Advocate of Nigeria (SAN) adopted from the British Queen's Counsel was first introduced in Nigeria in 1975. Six years later the first lady silk; Chief (Mrs.) Folake Solanke SAN CON was conferred with the rank.

Sadly today only a mere 23 women are Senior Advocates of the total 548 Senior Advocates in Nigeria, a mere 4.19%. Today of 38 conferees there are merely 2 women a mere 5.26%. Surely My Lords and members of this distinguished gathering the percentage of women to men in the Nigerian Universities and Law School are not this abysmally low. Commendably the Guidelines for the Conferment of the Rank of Senior Advocate of Nigeria indicates gender representation amongst the factors to be considered in making the selection.

Gender diversity does not equate to conferring unfair advantages to women. A large number of women are brilliant and hardworking, as are many men and deserve in every respect the recognition accorded. However we must ask ourselves why few women apply and/or merit the rank? Why otherwise brilliant and hardworking women drop out of legal practice? Why some women in law who have earned the respect through diligence and hard work are not in a position to be conferred? And what remedial steps need to be taken?

In an international survey<sup>3</sup> conducted on barriers militating against women reaching their career potential, various factors were identified including unconscious/unfair bias and lack of support for women both in the work place and in the home despite the balancing role women must play in the home and at work. Diversity means that in the workplace we must have regard for women and their peculiar circumstance as wives and mothers whilst women require necessary home support. May I respectfully urge that active steps be taken to appreciate the dual roles that career women play with a view to encouraging support in the work place and eradicating all bias against women where they may exist. For only then can we begin to close the rank in the disparity in gender representation in the Body of Senior Advocates of Nigeria.

Also importantly, we must bear in mind always the special needs of our physically challenged colleagues and ask ourselves the extent to which our facilities cater to the needs of the physically challenged. Indeed we must be mindful to take all necessary steps to ensure that our facilities take their special needs into consideration always.

## CONCLUSION

I congratulate my fellow learned silks on the honour being conferred on us today. May I on your behalf pledge that we shall be counted as a set of conferees who shall always uphold the dignity of the rank as evident in our comportment and in our relationship with the Courts, Honorable Judges, our Clients and members of the Public. We pledge to continue to mentor the younger ones and lead them along the right path by our conduct and behaviour.

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<sup>3</sup> The Law Society, Influencing for Impact: The need for gender equality in the legal profession: Women in Leadership in Law Report- Findings from the women's roundtables. Accessed at <https://www.lawsociety.org.uk/support-services/research-trends/gender-equality-in-the-legal-profession/> on 11 March 2019

I thank My Lord the Chief Justice of Nigeria for inviting me to deliver this speech on behalf of the 2019 conferees of the rank. We thank our spouses, our children and all other family members for their understanding and their support during the course of our careers.

We thank you all.

Mrs. Adedoyin Rhodes-Vivour, C.Arb