

# Restoring Ethics in the Legal Profession

Sandra Oke proffers ways in which the image of the profession can be improved

The issue of poor ethical standards in the Legal profession has received the attention of members of the Bar and bench alike. Oputa, J.S.C as he then was lamented that;

"Looking back on the legal profession in Nigeria in the forties, fifties and even sixties, one sees in retrospect a rather dignified, respectable and self-respecting profession - the pride of lawyers, the ambition of many and an object of reverence by the generality of our people. Nowadays, things seem to be falling apart. Nowadays again, one notices a significant shift from the erstwhile, awe and reverence with which the members of the profession are now forgetting some of the qualities and qualifications which earned for them and their profession the envied and dignified appellation of "learned and honourable." Could it be that we have said goodbye to the sublime objective of our great profession? But whatever it is and the present situation demands that something be done to restore the pristine dignity, the splendour and the glory that was the legal profession in our country in years gone bye"

The President of the NBA, Okey Wali SAN, at the beginning of his term as NBA President asserted that, "my vision for the Bar is that of a professionalised Bar; professionalised in the sense of keeping to the best traditions of the profession, best ethics, which we seem to have lost a lot of grounds on". "If after two years of NBA presidency, the only thing I achieved is to change the image of the profession and to change the ethical standards, I would have left the NBA a very satisfied man".

This brings us to the pertinent question of, what does ethics mean? The word ethics derives from the Greek word "ethos" which means "character" and from the Latin word "mores", which means customs. The concept of ethics can be traced as far back as Aristotle. To him an action is ethical when it is for the greater good of members of the society.

Legal ethics has been defined as, the minimum standards of appropriate conduct within the legal profession. It is the behavioural norms and morals which govern judges and lawyers. It involves duties that the members owe one another, their clients, and the courts. The rules governing professional ethics in Nigeria are the Legal Practitioners Act 1962 and the Rules of Professional conduct 2007.

This article will focus on the duty of counsel to the Court.

## Duty of Counsel to Court

Rule 1 of the Rules of Professional Conduct in Nigeria provides that:

(a). It is the duty of the lawyer



New Wigs at their Call to Bar celebration at the Nigerian Law School Headquarters in Abuja, recently

to maintain towards the Court respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamour. Where there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit his grievances to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

(b). A lawyer should be punctual in all court appearances and, whenever possible, should give prompt notice to the court and to all other counsel in the case, of any circum-

stances requiring his tardiness or absence.

(c). A lawyer should make every reasonable effort to prepare himself fully prior to court appearances. He should promptly inform the court of any settlement, whether partial or entire with any party, or the discontinuance of any issue.

(d). A lawyer should see to it that all depositions and other documents required to be filed are filed promptly, should stipulate in advance with opposing counsel to all non-controverted facts, should give the opposing counsel, on reasonable request, an opportunity in advance to inspect all evidence of which the law permits inspection, and, in general, should do everything possible to avoid delays and to expedite the trial.

The duty of counsel to court plays a crucial role in preserving the integrity of the legal profession. It places on lawyers the responsibility of respecting judges and the judicial process. It also gives room for lawyers to seek remedies, if their rights have been infringed on by a judge. This duty, however does not afford lawyers the right to make statements openly about the integrity of judges. There is a recent trend whereby, lawyers after cases are concluded, allege that, the judges were given bribes or followed irregular procedure. This sort of behaviour has been frowned upon, by the courts. In *AMAECHE v OMEHIA*, the Supreme Court held that it is the duty of counsel to have utmost respect for the courts. It continues that counsel

should not make remarks that could lower the integrity of the court and should discourage clients from doing so directly or indirectly. The respondent should make such complaints to the appropriate authority. It further stated that, by trying to excuse his inaction, the respondent questioned the integrity of the Federal High Court and the Supreme Court, rather than, bringing the court to disrepute, has cast aspersions on his integrity.

On this issue, instead of alluding to the corruption of judges openly, lawyers should file petitions with the NJC. The NJC would look into the merits of the petition and consider if the petition has any merit. For example the National Judicial Council retired Justice Naron of Plateau State who was found guilty of judicial misconduct by several committees set-up by the N.J.C.

However, this does not mean that lawyers should file frivolous petitions as this would amount to a waste of the time and resources of the NJC. The Chief Justice of Nigeria, Hon. Justice Aloma Mukhtar on her assumption of office received about 139 petitions, 106 which were to use her own words "vexatious" or "baseless", only 33 of the petitions were worth her attention.

Moving forward, lawyers should take their observance of their duty to the court more seriously, by observing all the rules and practices of the court, by respecting judges and other members of the legal profession and finally, by following proper procedure for bringing complaints against judges.

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