

BABATUNDE

Ajibade  
SAN, FCIARB

# A UNITED BAR

THE MANIFESTO (ABRIDGED)

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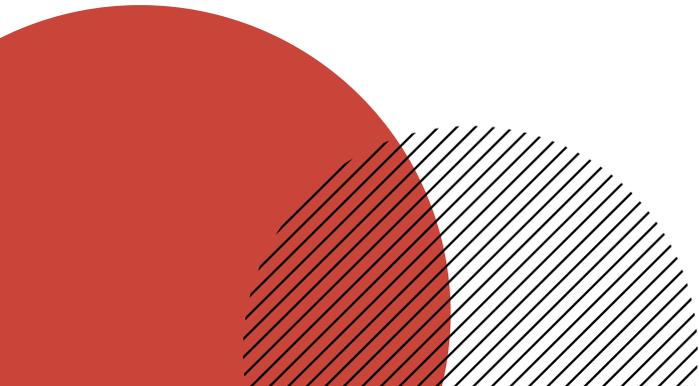


This is MY MANIFESTO on  
which I am running for Election into the Office of  
President of the Nigerian  
Bar Association

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**Dr. Babatunde Ajibade, SAN FCI Arb**

The foundation of my manifesto is the need to  
build A UNITED BAR because,  
*“A House Divided Against Itself  
Cannot Stand”*



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# A. INTRODUCTION

I am the Managing Partner of S. P.A. Ajibade & Co. I was called to the Nigerian Bar in December 1989 and elevated to the rank of Senior Advocate of Nigeria in December 2007. I was the first member of my Nigerian Law School set of 1989 to be so elevated.

I obtained an LL.B Degree from the University of Ife (now Obafemi Awolowo University) in 1988 and an LL.M Degree in Corporate and Commercial Law from King's College, University of London in October 1990. In October 1996, I obtained a Ph.D. Degree in Private International Law from the same university.

I am a Fellow of the Institute of Advanced Legal Studies in London, an International Practice Fellow of the International Bar Association and a Fellow of the Chartered Institute of Arbitrators, United Kingdom.

Over the years, I have rendered quiet and selfless service to the legal profession both in Nigeria and overseas. I have a burning passion for the advancement of the profession and I have manifested this in many ways.

I am happily married with 4 children.

A detailed list of my activities and further information about me can be found at [babatundeajibade.com/about-2](http://babatundeajibade.com/about-2).

# B. MY PHILOSOPHY - UNITY & CONTINUITY

The foundation of my manifesto is the need to build A UNITED BAR. I am of the firm conviction that a lot of the problems that have plagued and continue to plague our Bar arise from the divisions that exist within the profession. Numerous examples of these divisions abound and I will name just a few:

- The division between the Bar and the Bench;
- The division between the Outer Bar and the Inner Bar;
- The division between "Young Lawyers" and Senior Lawyers;
- The division between Litigators/Advocates and Commercial/Transactional Lawyers;
- The division between the Official Bar (Government Lawyers) and Private Practitioners;
- The division between In-House Counsel and Private Practitioners;
- The division between the Academic Bar and the rest of the profession; and
- The division within the Bar and the Bench along ethnic or religious lines.

The impact of these divisions on the current state of the legal profession in Nigeria is insidious and may not be readily apparent unless properly interrogated. I believe that recognition of, and a conscious attempt to close these divisions, is a sine qua non to success in turning around the fortunes of the legal profession and the justice sector as a whole.

Another challenge that I see with the Association has been the absence of continuity in pursuing or sustaining the policies and programmes of successive administrations, much like the similar problem that exists within our larger polity. With this in mind, I have taken time to study the manifestos, policies and programmes of the two immediately preceding leaders of the Association, Mr. A. B. Mahmoud, SAN and the current President, Mr. Paul Usoro, SAN. If I am elected President of the NBA, it is my intention to draw on those aspects of their policies and programmes that I consider beneficial, with a view to sustaining and pursuing them in the best interests of the Association.

If elected President, it is my hope that whoever succeeds me will adopt this approach as well, so we can ensure the existence of much needed continuity in the development and regulation of our profession.

## **B. AIMS, OBJECTS AND PROGRAMMES**

### **1. WELFARE**

The welfare of the legal professional is a matter of paramount importance to me, be that legal professional a Judge, a private practitioner, an in-house lawyer, a lawyer in the public service, a law lecturer or a young lawyer just leaving the Nigerian Law School. I believe there is a correlation between the welfare of the legal professional and the dignity of the legal profession. There is no dignity in poverty and a profession that cannot protect the welfare and livelihood of its members, puts their dignity at risk and exposes them to temptations that endanger their nobility.

For this reason, if elected NBA President, I will pursue the following specific welfare policies:

- THE BAR

I will mobilize the NBA to do all that it can to improve the welfare and wellbeing, economic and otherwise, of all its members. The NBA must promote and protect the livelihood of its members.

To this end, I will engage with the Attorney-General of the Federation and the Attorneys-

General of the States to convene a meeting of the Legal Practitioners Remuneration Committee for the purpose of establishing, and where applicable, reviewing the scale of charges for legal work. The only order that has been made by this Committee that I am aware of is the Legal Practitioners (Remuneration for Legal Documentation and other Land Matters) Order 1991. This is almost thirty years ago! In this regard, it is worth noting that Rule 52(2)(d) of the RPC anticipates that the NBA could (should) prescribe a “schedule of minimum fees” for legal work.

As a prelude to the meetings of the Legal Practitioners Remuneration Committee, I will engage with various sectoral players in the Organised Private Sector, such as the Bankers’ Committee, the Chambers of Commerce and others, to secure their input into the acceptable minimum fees and scales of charges to be set for various aspects of legal work. This will be important to eliminate any excuses for non-compliance by in-house counsel.

I will also engage with the Attorney-General of the Federation and the Attorneys-General of the States of the Federation to work out modalities and mechanisms for ensuring that no legal practitioner charges below the minimum fees established or to be established by these scales and schedules.

I will also engage with the Attorney-General of the Federation, in his capacity as Chairman of the Bar Council, to update and amend the Rules of Professional Conduct (RPC). Several provisions of the RPC are long overdue for review and need to be brought in tandem with modern realities of technological advancement and the changed demography of legal practice in Nigeria and the rest of the world. Some of these provisions impinge on the ability of the profession to protect the welfare and wellbeing of its members as well as the proper enforcement of its provisions.

- REMUNERATION AND CONDITIONS OF SERVICE

I will conduct a detailed survey to establish and make recommendations for the minimum remuneration and conditions of service to be maintained in respect of legal practitioners of varying levels of experience in employment in the different parts of the country. This survey will include legal practitioners in all sectors, private and public.

I will take steps to enforce Rule 13 of the RPC and include in the information to be supplied, numbers of lawyers employed and the remuneration being paid. This information will be sourced both from the employers and from the employed, so as to increase the accuracy of the data.

Utilising this data, as well as data relative to what other professionals and public servants of equivalent qualification earn, the NBA under my leadership would make clear recommendations advising as to the minimum remuneration that legal practitioners in employment ought to earn.

The NBA, under my leadership, will deploy creative means of persuading members to meet the NBA recommended minimum remuneration for lawyers they employ, including, making it

a requirement for obtaining letters of good standing. I also believe that the existence of an NBA recommended minimum remuneration will, of itself, impose an onus on lawyers who are employers of labour to justify their non-compliance.

For lawyers employed in the public service, the NBA, under my leadership, will engage with government on their behalf to ensure that their remuneration does not fall below the recommended minimum, taking any applicable government salary scales into consideration.

- SEXUAL HARASSMENT, BULLYING AND OTHER PREDATORY CONDUCT

If elected President of the NBA, I would work in tandem with the relevant sections, committees and fora of the NBA, including the NBA Women Forum and other female lawyers' association to devise effective means of addressing this scourge.

- TRAINING AND CAREER DEVELOPMENT

If elected, I will take the following steps to improve training and career development of lawyers:

1. get the NBA to provide comprehensive induction training for New Wigs aimed at introducing them to the various career options that exist in the legal profession and sensitizing them to the benefits and satisfaction that can be derived from these various options.
2. get the NBA to liaise with as wide a variety of individuals, firms and organisations as possible to organize careers fairs and other means and methods of finding placements for New Wigs along these various career paths.
3. enter into negotiations with a wide variety of organisations with a view to securing discounts for members of the NBA to undergo various career enhancing trainings and certifications.

For those who wish to strike out on their own immediate upon qualification, a course which I consider unadvisable, but which I recognize may be unavoidable for some because of the limitation of employment opportunities, I would:

1. get the NBA to put a structured training and mentorship scheme in place. This scheme would provide guidance and support for such New Wigs as well as information as to the minimum requirements for setting up a law office and the support options that are available.
2. get the NBA to enter into negotiations with development financial institutions aimed at securing loans for start up law firms on preferential and favourable terms.

- TECHNOLOGY

If elected, I will leverage and build on the good work that is already been done by the NBA by ensuring that the NBA makes maximum use of available technology to achieve its various objectives. I will explore various platforms that can be used to improve on the NBA's data gathering, information dissemination and management. I will also explore various means of providing digital learning and training to members.

As evidence of my commitment in this regard, I have already made personal investments in supporting a technology-based initiative that will benefit the legal professional in Nigeria, and particularly the young lawyer. This is an online platform launched on 2nd May 2020 with

the title "Opportunities for Lawyers". It is the first ever, global lawyers' specific online platform that will connect legal practitioners and law students to opportunities such as Scholarships, Jobs, Internships, Fellowships, Contests and applications for Funding among others. It is available on Google Play (<https://play.google.com/store/apps/details?id=com.opportunitiesforlawyers&hl=en>) and Apple Stores (<https://apps.apple.com/us/app/opportunities-forlawyers/id1510602360?ls=1>). Non-smart phone users can visit [www.opportunitiesforlawyers.com](http://www.opportunitiesforlawyers.com) from their browsers on laptops, I-pad, computer desktops and any other system with internet connection and access the site.

I am also in discussions with service providers for the production of a pilot scheme for online digital training, which will provide a sample of the comprehensive induction training for New Wigs that I refer to in paragraph 1.14a above, aimed at introducing them to the various career options that exist in the legal profession and sensitizing them to the benefits and satisfaction that can be derived from these various options. This digital training will also be employed in addressing the NBA's Continuing Professional Development (CPD) obligations to its members. In addition, I will get the NBA to institute a series of regular educational webinars for members.

- STAMP AND SEAL

I have entered into discussions with technology service providers who assure me that the stamp and seal scheme can be digitalized and dispensed electronically. I will pursue the implementation of this innovation as it will not only address the complaints concerning the stamp and seal scheme as presently implemented but will dovetail seamlessly into the developments that are now being explored in the administration of justice with electronic filing of court processes and virtual hearings.

- BUSINESS DEVELOPMENT

The NBA under my leadership will develop conscious strategies to assist in developing business for lawyers. The traditional conception of the lawyer's role as being limited to the resolution of disputes is unduly restrictive and does not give sufficient consideration to the significant opportunities that exist in various aspects of dispute avoidance. These range from the provision of proper pre-contractual advice, to family and wealth planning, taxation advice amongst a myriad of other opportunities.

Under my watch, the NBA will take steps to enlighten the public as to the variety of roles that lawyers can play, outside of traditional dispute resolution and by so doing seek to generate more business for the legal professional.

- A STANDING WELFARE SCHEME

If elected President, I will aim to put in place a standing welfare scheme with properly designed parameters for its funding over time by regular deductions from member's Bar Practicing Fees and any other viable sources. Stringent criteria will be put in place to determine who is vulnerable and thus eligible or entitled to seek support from the scheme.

- PRACTICING FEES

I will also advocate that practicing fees paid by any New Wig who is enrolled later than 30th June in any given year should cover their obligation for the following year as well.

## 2. THE JUSTICE SECTOR

- ADMINISTRATION OF THE COURTS

I will engage with the Chief Justice of Nigeria and the Heads of Court at Federal and State levels and with the Honourable Attorney-General of the Federation and the Attorneys-General of the States of the Federation to encourage a transition from the current system in which our judicial officers are solely responsible for the administration of the courts as well as the administration of justice. I am convinced that separating these two functions will enhance the efficiency of our courts.

- RESOURCES, MANPOWER AND INFRASTRUCTURE

If elected president,

1. I will engage with the Chief Justice of Nigeria and the Heads of Court at Federal and State levels; with the Federal Attorney-General and the Attorneys-General of all the States; with the members of the National and State Houses of Assembly; and with all officials and relevant stakeholders that have a role to play in ensuring that the justice sector receives the resources it needs to perform its role adequately.

2. I will also engage with identifiable stakeholders with a view to ensuring that the principles of judicial independence and judicial autonomy enshrined in our Constitution are recognized and enforced. Simultaneously I will seek to ensure the judiciary's accountability for the judicious application of the resources that it receives.

3. I will agitate for enhancement of the remuneration, conditions of service and post service entitlements of all judicial officers in Nigeria.

- TECHNOLOGY IN THE JUSTICE SECTOR

If elected President of the NBA, I will continue the engagement that has commenced with the Chief Justice of Nigeria and the Heads of Court at Federal and State levels; with the Federal Attorney-General and the Attorneys-General of all the States to ensure that steps are taken to integrate the use of technology into our justice delivery processes at all levels, to enhance the efficiency of the justice sector.

- ADMINISTRATION OF CIVIL JUSTICE BILL

As evidence of my passion for matters relating to seeking improvement in the efficiency and speed of justice delivery in our justice sector, I am part of an organisation called the CRID-LAWNET, a project of the Lagos Chamber of Commerce and Industry, which drafted an

Administration of Civil Justice Bill, designed to eliminate to the greatest extent possible, some of the bottlenecks that cause delays in the administration of civil justice in Nigeria. This Bill is a model law and is designed for adoption by both the Federal and State legislatures for application in both Federal and State Courts of record. We are delighted that the Bill has already been enacted into law in Ekiti State and is being actively considered by other States of the Federation. Details of the Bill can be obtained at <https://crid-lawnet.org/>.

I am proud to have participated in the drafting of this Bill and if elected President of the NBA will seek to ensure that the NBA gives its full support to the enactment of this Bill or its variants for application in our courts. The current dysfunction and delay in our court system cannot be wished away and the NBA must play its role in devising a solution to the problem. The passage of the Administration of Civil Justice Bill is just one of several of such initiatives that I will pursue if elected President of the NBA.

- THE RANK OF SENIOR ADVOCATE OF NIGERIA

If elected President of the NBA, I will engage with the Chief Justice of Nigeria in his capacity as Chairman of the Legal Practitioners Privileges Committee and with the Body of Senior Advocates of Nigeria to agree on alternative criteria for appointment to the rank of Senior Advocate of Nigeria that are not quantitative but qualitative. There is no doubt in my mind that the current criteria is a major contributor to some of the frivolous litigation and congestion in our courts. Indeed, following on from the principle that we should encourage the conduct that we would like to see, I would suggest that the number of cases that an applicant has been able to settle out of court subsequent to the declaration of a dispute and initiation of proceedings or through alternative dispute resolution methods, should be a relevant criteria for elevation to the rank.

If elected President of the NBA, I will also engage with the Chief Justice of Nigeria and the Heads of Court at Federal and State levels to implement a procedure for the scheduling of cases, such that counsel and parties will be allocated specific dates and time periods for their matters to be heard. Where this methodology is adopted, it would not matter whether counsel involved is a Senior Advocate of Nigeria or not, as counsel would be expected to utilize only the time allocated. Scheduling will definitely eliminate the frustration that attends other members of the Bar attending court fruitlessly.

### **3. REGULATION AND DISCIPLINE**

- THE JUDICIARY

If elected President of the NBA, I will engage with the Chief Justice of Nigeria and the Heads of Court at Federal and State levels to request that representatives of the Bar are present and allowed to participate during all of the proceedings of the NJC, including matters relating to the discipline of judicial officers.

If elected President of the NBA, I will also seek to ensure that steps are put in place to ensure that the current practice in which dissatisfied parties resort to petitions to the NJC rather than exercise their right of appeal is actively discouraged. To this end, I will on behalf of the NBA engage with the Chief Justice of Nigeria and the Heads of Court at Federal and State levels to put measures in place to ensure that the right to issue a complaint concerning judicial conduct by way of petition to the NJC must only be made by counsel. I believe this will regulate and discourage frivolous petitions.

- THE BAR

If elected as President of the NBA, I will take steps to reform the procedure for regulation and discipline of the Bar. The specific steps I will take will include but not be limited to:

1. seeking a re-composition of the membership of the LPDC so as to ensure that challenges to the competence of its decisions arising from its composition are addressed;
2. seeking a complete review and overhaul of the Legal Practitioners (Disciplinary Committee) Rules to streamline and liberalise the process for making, receiving and investigating complaints against lawyers;
3. enhancing the automation of the complaints management process, to make it more responsive;
4. liaising with the NBA Branches who have the primary responsibility for investigating complaints against lawyers to ensure such investigations are completed within an agreed timeframe;
5. devolving and decentralizing the disciplinary process to ensure that disciplinary proceedings can take place closer to the Branches where the allegations emanate; and
6. devoting greater resources to the efficient running of the disciplinary process.

#### **4. SPECIAL INTEREST GROUPS**

I will support and where applicable re-constitute and re-invigorate the three Sections, two Institutes and three Fora and other organs recognised by the NBA Constitution to ensure that all members feel a sense of belonging.

It is heartwarming that in addition to the Sections, Institutes and Fora, established by the NBA Constitution, the NBA Constitution now also formally recognises Specialised Law and International Affiliated Law Fora, including the Capital Market Solicitors Association, of which I was pioneer Secretary.

If elected NBA President, I will give full support to the recognition of these groupings and any other fora that seek affiliation with the NBA including the Law Officers Association of Nigeria (LOAN) and the Association for Lawyers with Disabilities in Nigeria (ALDIN), Federation of International Women Lawyers (FIDA) and others.

## C. MISCELLANEOUS

As I noted early on in this manifesto, if elected President of the NBA, I intend to carry on from where my predecessors in office left off.

It is of importance to note that a significant number of the objectives that I seek to attain will require amendment of the legislative framework for the regulation of the legal profession in Nigeria. It will also require a change of orientation on the part of the profession.

## D. CONCLUSION

I am grateful for the opportunity to present this manifesto to my colleagues in the Nigerian legal profession. I urge you all to give me the opportunity to contribute my quota to improving the lot of our profession and of those of us that practice it.

Sincerely,

**Dr. Babatunde Ajibade, SAN, FCI Arb**

