

RAPPORTEUR REPORT

FOR THE

2024 ANNUAL BAR WEEK

OF THE

NIGERIAN BAR ASSOCIATION, CALABAR BRANCH

(DOYEN BRANCH)

WHICH HELD

ON

WEDNESDAY, 26TH TO FRIDAY 28TH JUNE, 2024

AT THE DOME, CALABAR MUNICIPAL, CROSS RIVER STATE, NIGERIA

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1.0 PREAMBLE

The Nigerian Bar Association, Calabar Branch (the Doyen Bar) held her 2024 annual Bar Week from Wednesday the 26th to Friday the 28th of June, 2024. The theme of the Bar Week was **'ACCESS TO JUSTICE WITHIN THE NIGERIAN FISCAL SPACE'**

The Week kicked off with a walk by members of the Branch around the city of Calabar, tagged **City Walk** on Wednesday, the 26th day of JUNE, 2024, to sensitize the populace of the activities of the Week. The Former Chairman of the Branch, Dan Edet, Esq, the Treasurer of the Branch, Deborah Okey Esq., and the Branch Publicity Secretary of the Young Lawyers Forum, Osim Edward, Esq. were at the CRBC FM a day earlier to also sensitize the public about the week's event and a Novelty Football Match between the Doyen Bar FC and the FRSC FC which ended in a draw of 1-1.

Thursday, the 27th day of June, 2024 was set aside for a public lecture centered on the theme of the Week – **Access to Justice Within the Nigerian Fiscal Space**. The Public Lecture also considered the sub-themes: ***Legal Practice In Nigeria: Justifying the Praxis of a Progressive Remuneration for Legal Professionals; Increasing Lawyers Earning Capacity: Exploring New Frontiers: Law Enforcement Agencies and the Justice delivery Efforts; Independence of the Judiciary: Myth or Reality; Problem or solution to a Better Nigeria.***

The first keynote address was delivered by Dr. Rufai Oseni (Arise TV Host) followed by Plenary 1, which featured Presentation of paper on ***Legal Practice In Nigeria: Justifying the Praxis of a Progressive Remuneration for Legal Professionals*** by Afam Osigwe, SAN and panel of discussants which followed was moderated by Prof. Jacob Abiodun Dada of the Faculty of Law, University of Calabar, represented by Former Chairman of NBA Calabar Branch, Williams Anwan, Esq. Eminent panelists/discussants included Hon. Justice Eyo Effiom Ita (Rtd), Anietie Okon, Esq, Enome Amatey Esq, Sabastian Anyia Esq.

Plenary Session 2 also featured presentation of paper by Tobenna Erojikwe, Esq. which was moderated by the former Branch Vice Chairman, Dr. Sam Eboh, eminent discussants included Dr. Patience Egwu Esq., Ajah Ajah Esq. Auta Nyade Esq.

Plenary Session 3 featured presentation of Paper by Chukwuka Ikwuasom (SAN) which was moderated by David Obande, Esq. Eminent Penalist included the controller of Correctional service - Hon. Justice Eneji Amajama.

Plenary Session 4 featured paper presentation by a former branch Chairman, Hon. Attah Ochinke Esq., which was Moderated by Hon. Justice Emilia Ibok (Rtd). Eminent Panelist included Raymond Manga, Esq, Cletus Agogo Esq., O.G Onah Esq, and Henry Barnabas, Esq followed by the Branch Dinner.

Thursday 27TH June, 2024- OPENING CEREMONY/ PUBLIC LECTURE

The public Lecture had the Chief Judge of Cross River State, Hon. Justice Akon B. Ikpeme as the Special Guest of Honour. He was, however, represented by Hon. Justice Francisca Isoni, the Attorney-General & Commissioner of Justice, Cross River State, Hon. Ededem Charles Ani, Esq, ably represented by the Permanent Secretary Cross River State Ministry of Justice, Peter Bassey, Esq., the Chairman of the event, Hon. Justice Emmanuel Agim, Justice of the Supreme Court of Nigeria however represented by the President of the Customary Court of Appeal, Hon. Justice Sampson Mbeh Anjor.

Other dignitaries who also graced the occasion were, Judges and Magistrates of the Cross River State Judiciary; His Royal Highnesses, the Controller of Correctional Service was represented by DSC Joel Okon Edet, etc.

Friday 28th June, 2024 - THE BAR BENCH FORUM

The Bar Bench Forum had in attendance the Chief Judge of Cross River State, Hon. Justice Akon B. Ikpeme as the Special Guest of Honour , represented by Hon. Justice Francisca Isoni, the Attorney-General & Commissioner of Justice, Cross River State, Hon.Ededem Charles Ani, Esq, ably represented by the Permanent Secretary Ministry of Justice, Cross River State, Peter Bassey, Esq., the President of the Customary Court of Appeal, Hon. Justice Sampson Mbeh Anjor.

Other dignitaries who also graced the occasion were: Judges and Magistrates of the Cross River State Judiciary, His Royal Highnesses, etc.

This Session was to be Moderated by Joe Agi, SAN, however represented by a former Chairman of the branch, Emmanuel Idaka, Esq. Eminent Panelists included Hon. Justice Ijeoma Ojukwu, Registrar of the Cross River State Customary Court of Appeal, Nkechi Usani and Imelda Mboto, Esq.

FRIDAY 28TH JUNE, 2024 - DINNER

The Dinner was slated for 7pm at the Dome, Calabar Municipal, Cross River State.

The Dinner had in attendance the Attorney-General & Commissioner of Justice, Cross River State, Hon. Ededem Charles Ani, Esq, the Chairman Internal Revenue Service, Mr. Prince Edwin Okon, the Assistant General Secretary of the NBA, Daniel Kip, Esq, Aspirant for the office Welfare Secretary of the NBA, Auta Nyande, Esq., and Aspirant for the office of the Assistance General Secretary, Henry Barnabas, Esq., etc.

The dinner also featured the welcome addresses by the Chairman Bar week Planning Committee, the Attorney-General & Commissioner of Justice, Cross River State, Hon. Ededem Charles Ani, Esq and also the Chairman of the Branch, Nsikak Ikpeme, Esq. as well as dinner speech delivered by the Chairman Internal Revenue Service, Mr. Prince Edwin Okon and finally, the presentation of awards which brought the 2024 Bar Week to a close.

Below are brief summaries of the proceedings at the public lecture; Bar/Bench Forum and the Branch Dinner:

2.0 OPENING CEREMONY/PUBLIC LECTURE

As part of events to mark the Nigerian Bar Association (Calabar Branch) 2024 Bar Week, the Branch organized a public lecture on the theme: **ACCESS TO JUSTICE WITHIN THE NIGERIAN FISCAL SPACE'**

The lecture held at the Dome, Calabar Municipal, Cross River State.

The session commenced with the NBA prayer led by the branch Secretary Terem Inyambe, Esq. followed by the National and State Anthems. The Chairman of the Central planning Committee of the Bar week who was represented by the Permanent Secretary, Peter Bassey, Esq gave his opening remarks, welcomed all participants and extend his gratitude to everyone who had contributed to making the event a reality. He also thanked all the discussants, attendees and indeed members of the planning committee who worked tirelessly in the background to fit the pieces of the organizing puzzle together to make his job as Chairman as easy as possible.

He also posited that Access to Justice is vital in upholding the Rule of Law, promoting social justice and ensuring equal participation in the Legal System. He further highlighted several reasons why Access to justice remains a mirage to many as enunciated by PUTA JSC.

He reiterated that the court can only address rights violations through filed suit and

- ✓ that many citizens, especially the illiterate, are unaware of their Human Rights and may not recognize when those rights are violated.
- ✓ That even when they are aware, individuals may fear reprisals from authority and hesitate to take legal action.
- ✓ That prospective litigants who are aware of their Rights, the violation of such rights, and have the courage to sue may lack the financial means to pursue their rights through the appeal stages all the way to the Supreme Court”.

Hence, these challenges have led to weak public confidence in the Judicial System.

- ✓ He also added that the Cross River State Government has taken significant steps to enhance access to justice and reduce costs through the establishment of small Claims Court. The Court is governed by the Magistrates Courts Law Practice Directions on small Claims (2023). It offers a streamlined process for resolving simple debt recovery disputes etc.

ON THE WAY FORWARD.

On the way forward, the learned Attorney General posited that, sensitization of the public on the available mechanism put in place for cost efficient and speedy justice delivery and that the government commitment, Prioritization and improvement of its allocated resources to the Justice Sector would go a long way remedying the challenge in access to Justice.

He concluded by adding that, addressing these challenges requires a comprehensive approach that includes Judicial Reforms, expanded Legal Aid and Pro bono Services, the entrenchment of ADR, and the integration of technology-driven solutions etc.

WELCOME ADDRESS BY NSIKAK IKPEME, ESQ., THE CHAIRMAN OF NIGERIAN BAR ASSOCIATION, CALABAR BRANCH ON THE OPENING CEREMONY OF THE BAR WEEK.

Nsikak Ikpeme, Esq, in his welcome speech stated that it gladdens his heart to stand before the August audience in the month of June because that day marked their one year since they were sworn -in to lead the Bar. That he is really grateful for the mandate given to him and the opportunity to serve.

He further stated that, regrettably, their first official assignment was to attend the valedictory court session in Obubra held in honour of the late Dickson Arikpo, Esq. who passed on before the team's entry into office, that It was really scary and made them to imagine if that would be the order of the day for this administration.

Fortunately, though they have had a few other ugly happenings in the Branch over the period under review, and also quite a number of positive things that happened. The widows of all their demised colleagues were all given condolence purses.

That within this period, they had some of their long-qualified colleagues get married and some good numbers give their children in marriage. Also, more than the foregoing, that they have also worked assiduously to avert any constitutional crisis in this Branch by ensuring that the branch monthly general meetings are held regularly. Hence, the opening ceremony is serving as the monthly general meeting for the month of June, 2024. And that members

present were enjoined to ensure that their names are properly captured in the attendance register provided at the Registration Table at the entrance to the hall.

He also posited that, they hosted a training program co-sponsored by LEPAD and McArthur Foundation at Marian Hotel and many members of the Bar and Lower Bench benefitted from it, while the sponsors left with the testimony that ours was one of the best attended in their series of trainings.

He reiterated that around the month of October, 2023, they had the rare privilege of addressing the government of Cross River State during the swearing-in of the Presidents and members of Customary Courts in the state and they minced no words in advocating for an executive bill to be sent to the House of Assembly seeking to amend the relevant laws to pave way for the positions of the presidents of the customary courts to be manned by Legal Practitioners, as, by their training, they would not only perform more creditably, but would also open doors for Legal Practitioners to appear before such courts. Happily, the Deputy Governor of the state assured that necessary machinery would be put in place to implement our request.

He further stated that there was a time within Calabar Magisterial District, where tenancy matters instituted with notice of owner's intention to apply to recover possession not processed and paid for were refused assignment for adjudication. His executive intervened and the same was resolved and today lawyers are at liberty to issue such notices from the comfort of their offices and use same to pursue their client's case seamlessly.

Furthermore, in February, 2024, the Judiciary sought to make it mandatory for lawyers to spend extra money to have certain red security seals affixed on all court processes before same would be received for filing, our members felt that implementing that policy would amount to unlawful taxation as the Rules of Court did not make provisions for such payment. The branch Executives took it up with the leadership of the Judiciary and at the end of the day, they won and today, that imposition is not borne by litigants.

Another resounding achievement of their administration as posited by the Chairman, is the relocating of branch meeting venue to a cheaper and yet more decent and accessible location that has led to an increase in the number of members that attend the branch monthly

meetings and the procurement of the branch Public Address System hence saving the monthly sub-head they have been incurring for that purpose.

That they also met a Branch Bus that was more of a liability and drain-pipe than an asset. Hence, it was sold and same was ratified at the Branch's, General Meeting.

Nsikak Ikpeme, Esq further added that, for about eight decades, this Branch has been without a Bar Centre. But it has pleased God Almighty to use their feeble hands to secure a portion of land and in a few weeks' time, they shall be inviting all members to witness the round-breaking ceremony to herald that project.

He pointed out that it is not a mere co-incidence that within this one year also, they have finally been able to institute a law suit to recover Doyen Bar land along Parliamentary Extension from a trespasser. Recently, he executed the witness' statement on oath as one of the witnesses, that it would not have been possible without the great effort put by our dear Essien H. Andrew, SAN. That the branch owes him and his team an ocean of thanks.

He concluded by welcoming all participants to the Bar Week and promise that every second spent by participants will be justified as they have a lineup of great speakers and presenters who are poised to do justice to the intriguing thematic subject, namely:

ACCESS TO JUSTICE WITHIN THE NIGERIAN FISCAL SPACE.

1. Keynote Speech 1 – Dr. Rufai Oseni (Arise TV)
2. Bar – Bench Forum – Bar – Bench: Problem or solution to a better Nigeria
 - Moderator: Joe Agi (SAN) (Represented by Emmanuel Idaka ESQ)
 - Panelists:
 - Mba Ukwani (SAN),
 - Hon. Justice Ijeoma Ojukwu
 - Nkechi Usani

1. KEYNOTE SPEECH 1 – DR. RUFAI OSENI (ARISE TV)

In his speech on the topic: **ACCESS TO JUSTICE WITHIN THE NIGERIAN FISCAL SPACE**, Oseni maintains that justice in this part of the world is a dream which remains in its form of non-existence. In his position, justice is devoid of the manipulation of the high and mighty while access to justice in an unjust society is a task which is herculean. He further maintains that access to justice is likened to walking a road that has not been paved. In his submission, Oseni was of the view that Nigeria has a system that is broken beyond recognition, hence justice can hardly exist in a society which corruption has become the order of the day.

For a formidable society of great standard and justice which takes the law as an ordinance of reason promulgated by the ones who have the good of the society at heart, access to justice should be an act that has its driving force beginning with those who regulate the judicial system.

KEY NOTE SPEECH BY DELE FAROTIMI, LEGAL PRACTITIONER (RTD) on the topic: **ACCESS TO JUSTICE WITHIN THE NIGERIAN FISCAL SPACE**, he noted that justice can only exist in a society where there is Rule of Law. That we need a state where Justice is not denied of anyone as a result of their background, religion or tribe. As access to justice cannot be achieved in the absence of the Rule of law.

OBSERVATION REACHED AT THE END OF THE PRESENTATION

At the plenary session, paper was presented on the discourse,

Following the presentation, discussions and interactions, it was observed that

Poor justice system and the absence of the Rule of Law is menace in our society.

RESOLUTIONS

In the light of all the observation above, it was resolved that:

- ✓ that Access to Justice can only be achievable in a society devoid of corruption and manipulation.
- ✓ Access to Justice can only be achievable in a state where the rule of law is effective and reasonably enforced.

- ✓ We need a state where justice is accessible to all irrespective of their background, religion or tribe.

PLENARY SESSION 1

TOPIC: Legal Practice in Nigeria: Justifying the Praxis of a Progressive Remuneration for Legal Professionals.

Paper Presentation by Afam Josiah Osigwe

Moderator- Prof. J.A Dada (Represented by Williams Anwan, Esq.)

Paper Presentation Afam Josiah Osigwe(SAN) (represented by Enome Amarteey Esq.)

Panelists:

Anietie Okon Esq.,

Enome Amarteey Esq.,

Hon. Justice Eyo Effiom Ita (Rtd.)

Sebastian Anyia Esq.

The session commenced at about 12:30pm with one of the compere Dr. Paul Ebiala who started off with introduction of esteemed guests.

He invited to the podium, Afam Josiah Osigwe(SAN) (represented by Enome Amarteey Esq.) to present his paper.

Afam Josiah Osigwe (SAN) (represented by Enome Amarteey Esq.) delivered a rigorous examination of the concept of justifying Progressive Remuneration for Legal Profession during the Nigerian Bar Association's Calabar Branch Bar Week. He observed that while the Legal Practitioner Remuneration Order of 2023 is undoubtedly a positive development, it does not mean that our challenges with remuneration have vanished overnight. Rather, it provides us with a framework—a foundation upon which we can build and address the persistent obstacles that hinder our ability to earn a fair and adequate income.

He listed several factors impacting Remuneration for Legal Practitioners which he identified as Economic Instability, Delayed Payments and Low fee Structure.

He further made some recommendations which he feels will strengthen Remuneration of Legal Practitioners and their Earning Capacity, which includes Enforcement of the Legal Practitioners Remuneration Order, 2023, Specialization and Value Addition, Professional Development and Networking and Technology Adoption.

In Conclusion, Afam Josiah Osigwe (SAN) (represented by Enome Amatey Esq.) Posited that while the challenges of remuneration in the legal profession are significant, they are not insurmountable. By building on the foundation provided by the Remuneration Order of 2023, we can advocate for fair and transparent compensation practices. By embracing value addition and specialization, and leveraging technology to enhance our efficiency, we can ensure that we are appropriately compensated for the invaluable services we provide to our clients and society as a whole.

Next up Comperere, Dr. Paul Ebiala announced the moderator for the days session who is Prof. J. A. Dada of the Faculty of Law, University of Calabar (represented by Williams Anwan, Esq.) to take his seat as well of the panelists to start up the session.

The moderator of the session gave his opening remarks to start up the session. He further gave each panelist their moments to adumbrate on the topic for the session.

First up was **Hon. Justice Eyo Ita**, who gave his position on the Paper presented and how it related to the Topic. He stated that If the Legal Profession could Compartmentalize Practice, it would be better. This is in his opinion preferable as the more Expertise is built, the better it is and therefore easier to get High Remuneration for your Jobs.

He further stated that Slow Pace of Justice and Attitude of Legal Practitioner to Cases particularly in Amendment of Pleadings and taking up Appeals based only on Pleading Irregularities up to the Supreme Court is hurting to the perception of the Profession. That some cases ought to have only one Tier of Appeal.

He concluded by emphasizing on the Need to Embrace Technological Advancements in the Legal Practice and also the Judiciary.

Next up is **Sebastian Anyia, Esq.** who emphasized that Legal Practitioners should Understand the Business of Law. Legal Practitioners should consider the economic situation of the Country, their Needs and the requirements to improve the Quality of their services when discussing Charges with Clients. He further posited that Legal Practitioners across all Jurisdictions should engage further in Research, Idea Sharing and Networking as we need to improve our Net worth of Knowledge to ensure quality service.

The next speaker was **Anietie Okon, Esq.** He spoke on the Legal Practitioners Remuneration Order 2023, and its distinguishing features. He posited that the LPR Order sought to Identify a Minimum Charge across Board in all Jurisdictions and enjoined members of the Bar to support the Act by keeping to the Spirit and Letter as closely as possible. He emphasized the need to Charge appropriately as Low-Cost lead to Lower quality of Service.

As a Rebuttal to the Suggestion of **Hon. Justice Eyo Ita (Rtd)**, he stated that as a way to reduce Lengthy Litigations, Pre-trial ought to be handled as Administrative Work. That until all Pleadings are Filed, a Suit should not be sent to a Judge for Hearing.

The last member of the Panel who spoke was **Enome Amatey Esq.** He stated that his Contribution to the Topic was on what each member of the Bar could act on to Improve the Situation. He noted these Interventions as; Improved Comprehensive Information, Research, Advocacy, Collaborations between Colleagues. He also indicated that the Bench should consider appropriate Amount for Cost of Litigation when awarding same as these sometimes form part of Remuneration to Legal Practitioners.

INTERACTIVE SESSION

Questions and Contributions from the Audience.

Joe Aloko Esq. Noted that Incessant Delay is built into our Legal System and appropriate Measures be put in place to Curb it.

Emmanuel Idaka Esq. Stated that the LPR Order had Enforcement Challenges. That sincerity of Colleagues in our dealings with Client on Charges and Sensitization of the Legal Practitioners Remuneration Order with the General Public would be helpful.

David Obande, Esq. Noted that in order to Reduce Timing of Litigation within the Calabar Jurisdiction, a Pretrial Court be set up as is applicable in other Jurisdictions to settle Pre-trial issues and after a Pretrial Report is given, it can be transferred to a Court for Hearing.

Hon. Justice Eyo Ita (Rtd). Concurred with the position of Obande Esq. that the Nigerian Bar Association, Calabar Branch in conjunction with the Cross River State Judiciary should set up a Committee to investigate the Usage of Pleadings and come up with better Solutions similar to those applicable in other Jurisdictions specifically in regard to Pre Trial Courts and domesticate within the State. He also noted that Specific Notice regarding Consideration for Awards of Costs, Damages, Cost of Litigation be made to the Judiciary as Awards of tangible Monetary Sums help Legal Practitioners to receive Pay from Clients.

Nkoyo Amah, Esq. noted that the Filing Fees specifically meant for Bailiffs Service, Clerk of Courts preparation of Court Orders should no longer be paid at the Revenue Points, that it should rather be paid directly to the administrative staff involved OR the fees paid at the Revenue Point should cover everything required to avoid double payments.

She further suggested that National Assignments ought not to be granted to Serving Judges or Justices but rather Qualified Retired Judges and Justices as this will enhance speedy dispensation of cases handled by serving judges.

In conclusion, Lawyers were enjoined to be bold enough to take decisive steps to keep to the Rules on Remuneration and educate Clients on the Correct Remuneration Guidelines.

The Moderator of the panel ably represented by Williams Anwan Esq. thanked the Paper Presenter and other Panelists Anietie Okon Esq., Enome Amatey Esq., Hon. Justice Eyo Effiom Ita (Rtd.) Sebastian Anyia Esq. and brought the Session to a Close.

OBSERVATIONS REACHED AT THE END OF THE PLENARY SESSION

At the plenary session, paper was presented on the discourse,

- ✓ Economic Instability, Delayed Payments of Lawyer's fees, and Low Fee Structure are the challenges facing Lawyer's Remuneration.

RESOLUTIONS

In the light of all the observations above, it was resolved that:

- ✓ Lawyers should develop themselves by specializing in niche area of their law practice to help them establish themselves as experts that can enhance their fees earning.
- ✓ lawyers should leverage on technological tools and platforms for their law firms to streamline legal processes, increase efficiency and reduce overhead cost.
- ✓ lawyers should advocate for fair and transparent compensation practices by embracing value addition and specialization in order to enhance good earnings.
- ✓ Council of Legal education should regulate the number of lawyers being called to Bar yearly to balance up the market demand of lawyers.
- ✓ lawyers should always see law practice as a business when charging for their legal services as that is the way to enhance their financial stability in legal practice.
- ✓ lawyers should always take into consideration the market value of items when charging fee for their legal services this will ensure their financial stability.
- ✓ lawyers should equip themselves appropriately in order to justify charging a higher fee.
- ✓ Lawyers should sensitize the masses on the new remuneration Order and its enforceability as this will make it easier for lawyers to earn their respective fees without stress.
- ✓ That Judges should award reasonable and suitable damages when awarding cost for breach of fundamental rights.
- ✓ Lawyers should build on the foundation provided by the Remuneration Order of 2023.
- ✓ That Lawyers should advocate for fair and transparent compensation practices by embracing value addition and specialization, and leveraging technology to enhance their

efficiency. Hence, ensuring that there are appropriately compensated for the invaluable services provided to their clients and society as a whole.

PLENARY SESSION 2

Presentation of paper by Tobenna Eriojikwe, Esq. via Zoom.

Moderator: Dr. Sam Eboh

Panelists:

1. Henry Barnabas Ehi
2. Dr. Patience Egwu, Esq.
3. Ajah Ajah, Esq
4. Auta Nyande, Esq.

Tobbenna Erojikwe Esq, presented a paper via Zoom on the topic: increasing Lawyers Earnings Capacity: Exploring New Frontiers.

Tobbenna in his paper presentation noted amongst others, that the topic for the presentation is actually timely as the legal scope is really wide but lawyers are not exploring new frontiers thereby limiting our scope of practice and our earning capacity. He further noted that lawyers should endeavor to make themselves available by acquiring skills and spot out law firms with skills and submit themselves for training.

The Moderator of the Session **Dr. Sam Eboh**(Former Vice Chairman of the Branch) also maintained on the need for Lawyers to explore new frontiers in the Legal Profession by making themselves available to acquiring new skills.

Auta Nyada, Esq who did his presentation via zoom, maintained that Lawyers must take out time to develop themselves in order to enhance their earning capacity. He reiterated that Lawyers should equip themselves in practice on Dispute Resolution in order to earn more income and also take advantage of social media to enhance their income. He outlined various areas lawyers could take advantage to earn more income to wit:

1. Companies and regulatory compliances
2. Contract negotiations and draftings.
3. Project development and financing
4. Illegal mining of gold
5. Dispute Resolutions etc,
6. Simple contracts

He finally enjoined lawyers to develop ourselves in the area they want to explore as there are so much information online available and accessible to lawyers.

Dr. Patience Egwu Esq, in her presentation noted that there are existing areas of law that hasn't been tapped that our specialization in grey areas will always attracts more and good results. She listed tax practices as one area that has been greatly ignored, she stated that tax practices comprises of tax compliance, preparation and filing of tax report, handling tax audit, dispute and objections etc. She further observed that tax practice will also avail us the opportunity of working with international organizations at the comfort of our homes. She finally noted that you cannot become a tax practitioner by virtue of becoming a lawyer, that you must become a chartered tax practitioner.

Ajah Ajah, Esq the last speaker noted that technology is one area that has aided in boosting our practices, He further mentioned Sport law as an area of law that has been greatly ignored and if all the areas listed are well considered and explored by lawyers, the earning capacity of lawyers will greatly increase

PLENARY SESSION 3

Paper presentation by Chukwuka Ikwuazom, (SAN)

Topic: law Enforcement Agencies and the Justice Delivery Efforts

Moderator – Tawo Tawo (SAN)

Panelists:

1. **AIG Police**
2. **Controller of Corrections**
3. **Hon. Justice Eneji Amajama**

After the 2nd plenary session the Compere, Dr. Paul Ebiala announced the next session for the day which is a discourse on Law Enforcement Agencies and the justice Delivery Efforts to be presented by Chukwuka Ikwazom was represented by Dr. Paul Ebiala, Esq.

Chukwuka Ikwazom (SAN) in his paper, introduced that Law enforcement agencies are critical stakeholders in the justice sector of Nigeria and play a vital role in the justice delivery system. In view of the enormous powers and responsibilities conferred on law enforcement agencies under relevant statutes, these agencies have the potential to easily strengthen or undermine the justice system by their actions and practices. Therefore, the extent of success or failure of justice delivery efforts in Nigeria depends largely on how well security agencies exercise their powers and perform their functions, and the effectiveness of constitutional, statutory and institutional safeguards against abuse. This paper highlights the role of security agencies in justice delivery efforts in Nigeria.

In conclusion he emphasized that Law enforcement agencies can by their conduct and practices contribute significantly to an efficient justice system, inspire public confidence in the judicial system and promote rule of law. Their failures and excesses have a rippling effect and have consequences for the entire society.

That Lawyers must therefore continue to hold law enforcement agencies to account and demand the highest standards of conduct from them to safeguard the judicial system and protect the rule of law.

Next up, the Compere, Dr. Paul Ebiala invited to the stage the moderator of the day's panel session **Tawo Tawo (SAN)** represented by **David Obande, Esq.**

The first panelist was **Hon. Justice Eneji Amajama** started the discourse. In his view, the court are supposed to interpret and implement the law and apply same to the facts to the case and provide punishment within the ambit of the law. He further stated that the police should have a recruitment

process where the best personnel can be recruited to the police service and ensure regular training for them to ensure efficiency. He added that in the correctional facility, they have situations where people that were convicted for lesser offences will be in prison for more than they are supposed to be. While some who commit grievous offences like murder, manslaughter, assault, rape who be freed at the end of the day because of the connection with the government. And they will be welcomed back to the society making mockery of the law enforcement agencies, which does not help promote the law enforcement agency.

He concluded that Nigeria as it stands today, if the police and the correctional center do not do the things they ought to do, the nation will fail. He added tht all state actors must be proactive in their job by so doing, the best of our society will be reflected in our law, security and law enforcement agencies and at the end of the day the society will be a better place.

DSC Joel Orok, who represented the Controller of Correctional service. In his presentation, stated that the correctional service is an organization inside Nigeria, hence, they are not saints. He reiterated that Corruption is involved in every sector in the country, and of course correctional service is a part of other sectors, by so doing, it shouldn't be fingered alone. However, in discharging its duty, the correctional service has tried a lot, despite the challenges they are going through. He listed as one of its achievements, the introduction of the new non-Custodial Act that has just been put out.

Furthermore, he posited that the correctional service has recently dismissed some staff for offences that dent the image of the centre. Any cases involving their staff have been given full attention and dealt with and has devised means to produce inmates without production warrants as it normally takes time. This has helped to ensure speedy justice.

In conclusion he added that, in the light of the above, it can be said that the correctional service has worked tediously with the judiciary to dispense justice.

The next speaker was to be the AIG but he was notably absent. No representative was sent either.

OBSERVATIONS REACHED AT THE END OF THE PLENARY SESSION

At the plenary session, paper was presented on the discourse,

Following the presentation, discussions and interactions, the following observations were made:

- ✓ The primary responsibility of government is the protection of lives and property, and this responsibility is implemented or fulfilled by the various law enforcement agencies through crime detection and prevention.
- ✓ Law enforcement agencies in Nigeria are generally empowered to investigate offences and prosecute offenders. The investigation and prosecution of offences is at the core of the criminal justice system and the effectiveness of the criminal justice system depends on how well law enforcement agencies perform their investigative and prosecutorial functions.
- ✓ In Nigeria, law enforcement agencies commonly commence prosecutions with little or no evidence to establish a charge. This explains why, for example, a law enforcement agency will prefer a 50-count charge against a person and fail to secure conviction on even one count. Sometimes, prosecutions are rushed and appears to be used as an instrument of victimization and score settling. Such prosecutions serve no public purpose as they rarely result in conviction. On the contrary, they cause incalculable harm to the defendants, the justice system and the society by: (i) subjecting the defendants to avoidable embarrassment, expense and inconvenience; (ii) wasting scarce public resources on fruitless trials; (iii) eroding public confidence in the justice system; and (iv) burdening the Judiciary with unnecessary workload.
- ✓ Besides, lack of proper investigations, the attitude of law enforcement agencies in the prosecution of offences sometimes leaves little to be desired. Even cases with what appears to be airtight evidence are sometimes bungled by lack of diligence in the prosecution which inevitably results in a discharge or acquittal of the defendant. The consequence is a further erosion of public confidence in the Judiciary which is often blamed for the inability of law enforcement agencies to secure convictions, especially in high profile cases.

- ✓ Law enforcement agencies are required to strictly comply with relevant constitutional and statutory provisions in the exercise of powers and performance of functions.
 - ✓ However, constitutional and statutory limits on the powers of law enforcement agencies are observed more in breach, and law enforcement agencies often conduct themselves with impunity. Unlawful arrests and searches, unlawful detentions without arraignment, reliance on coercion as a means of extracting confessional statements, frustration of the bail of suspects, denial of access by suspects to legal representation, undue prolongation of trials etc. have become standard practices of law enforcement agencies. As we are well aware, these acts of impunity have been brazenly extended to even legal practitioners who are sometimes harassed, intimidated, and even detained for providing legal services and representation to their clients.
 - ✓ Disobedience of court orders by government officials and law enforcement agencies is one of the most insidious threats to the rule of law and the concept of constitutional democracy. There is a mandatory duty on every citizen, institution and authority to comply with court orders and judgments and law enforcement agencies bear a dual duty in this regard – the duty to obey court orders and the duty to enforce compliance with orders
 - ✓ Court orders are not meant to be respected by government officials and law enforcement agencies only when it is convenient. However, in practice, government officials and law enforcement agencies seem to only respect court orders when it is convenient.
 - ✓ Disobedience of court orders by government officials and law enforcement agencies has become a regular occurrence. For instance, the government of former President Muhammadu Buhari reportedly disobeyed forty court orders between 2015 and 2019.¹ Not surprisingly, law enforcement agencies play the most prominent role in facilitating the government's disobedience of court orders in most cases.
 - ✓ There is no gainsaying the fact that disobedience of court orders by government officials and security agencies gravely undermines and erodes public confidence in the judiciary. This evokes a paralyzing sense of helplessness in citizens and force persons with legitimate claims
-

and grievances against government agencies, institutions and officials to simply give up their claims. It also encourages self-help.

- ✓ There is a connivance where doctors report is provided so that some sets of criminals will be release on the guise of ill health and these sets of people are released to the society making mockery of the law enforcement agencies and the correctional Centre. Bragging that they can pay the police to get themselves out of prison. This derails the effectiveness of law enforcement agencies.
- ✓ Correctional Centre are over stretched. The number of people that are supposed to be there are over stretched
- ✓ The training that are supposed to be given to the people in the correctional centres, is not only to ensure that they are properly punished but are properly reformed in the society so at the end of the day, they will be reinvented into the society proper.
- ✓ Abuse of power by law enforcement agencies have become something that is not attestable to the society. It affects us as people and it also affects the agencies.

As long as they are failure in the agencies, their main function which is to protect lives and property will not be guaranteed because people that are to play their part are not doing that.

- ✓ Correctional service taking inmate in their private vehicles is an offence. They do not permit that and persons have been dismissed for similar offences.
- ✓ Vehicles used by the correctional service to transport inmates to court are bad and not functioning well. Each of these vehicles have seat capacity of 15 inmates. It is not easy to use them to transport inmates to various courts in different jurisdictions. The cost of fuel is also an issue for the correctional service. Fueling those vehicles and Transporting inmates to courts and the courts do not sit. This is a setback.
- ✓ Correctional Centre have been working well with the judiciary to dispense justice.
- ✓ In cases involving staff of correctional Centre, the staff face disciplinary actions.

RESOLUTIONS

In the light of all the observations above, it was resolved that:

- ✓ An effective performance by law enforcement agencies of the function of detecting and preventing crimes will significantly enhance peace, law and order and social stability and equilibrium.
- ✓ A secure and peaceful environment is a necessary condition for a functional justice system as it will provide judicial officers and personnel with the confidence to discharge their functions without undue fear of physical harm. Thus, law enforcement agencies can strengthen justice delivery efforts by improving internal security through prompt and effective detection and prevention of crimes.
- ✓ The thoroughness of investigation and diligence in prosecution largely determines the outcome of a case.
- ✓ In addition to increasing the chances of conviction, a detailed investigation of crimes can also enable law enforcement agencies to properly exercise prosecutorial discretion by choosing to prosecute only cases that can be substantiated with credible evidence.
- ✓ By prosecuting cases with fair chances of success based on the results of a painstaking investigation, law enforcement agencies will also prevent abuse of prosecutorial powers.
- ✓ Adequate investigation of offences, and diligent prosecution of offenders is therefore critical to strengthening the criminal justice system in particular, and justice delivery efforts in general
- ✓ This means that investigative and prosecutorial powers must be exercised within prescribed constitutional, statutory and procedural limits. This entails respect for the rights of suspects to dignity of the person, arraignment of suspects within the prescribed period, refraining from obtaining confessional statements through torture and other forms of coercion etc.
- ✓ It is therefore imperative for law enforcement agencies to exercise restraint and comply constitutional and statutory prescriptions in the exercise of their powers and performance of their functions to strengthen justice delivery efforts and the justice system.

- ✓ To strengthen justice delivery efforts and the justice system, promote rule of law, maintain law and order and social stability, law enforcement agencies must not only obey court orders, but must also enforce compliance with court orders by other government agencies and officials.
- ✓ Ensure that offences are punished and actions sanctioned
- ✓ We as Nigerians should do what we ought and are required to-do so our nation will not fall
- ✓ Disciplinary actions should be put in place to checkmate the abuse of power of the law enforcement officials.
- ✓ The judiciary should reduce the amount of production warrants for inmates as the vehicle transporting inmates cannot carry more than it should.
- ✓ Financial provisions should be put in place and is very important to achieving the reintegration of and reform of certain inmates in the society.
- ✓ The government should give the correctional service workshops (tailoring, carpentry, electricity, mechanics etc.) so the inmates can learn to trade and work for their survival when they eventually get out into the society.

DAY 2 – Friday “28th June, 2004

PLENARY SESSION 4

Paper presentation by Hon. Attah Ochinke Esq.

Topic: Independence of the judiciary: myth or reality

Moderator – Hon. Justice Emilia Ibok (rtd)

Panelists:

- 1. Raymond Manga Esq**
- 2. Cletus Agogo Esq**
- 3. Henry Barnabas Ehi**
- 4. O. G. Onah Esq**

The program kicked off with the Compere Dr. Paul Ebiala who started off with introduction of esteemed guests.

He invited to the podium, Hon. Attah Ochinke Esq. to present his paper on the topic: Independence of the judiciary: myth or reality.

Attah Ochinke Esq. delivered a rigorous examination of the concept of judicial independence within the framework of Nigerian governance during the Nigerian Bar Association's Calabar Branch Bar Week. He observed that Judicial independence is defined as the cornerstone of democratic governance, ensuring the judiciary operates free from undue influence, upholding accountability, adherence to the rule of law and impartiality.

He also observed that the judiciary in Nigeria is perceived as relatively weak, as its often perceived to align its decisions with executive interests rather than acting independently. Case studies from Kano and Rivers States illustrated instances where judicial rulings appeared to favor governmental preferences, raising concerns about impartiality. Historical examples such as the 1964-65 Western Regional crisis highlighted early signs of executive influence on judicial decisions.

He listed several factors impacting judicial independence which he identified as financial Autonomy, constitutional constraints, Judicial Self-Assertiveness

He further made some recommendations which he feels will strengthen judicial independence, which includes Enhancing Financial, Constitutional Reforms, Promoting Judicial Empowerment and Upholding Judicial Integrity

In Conclusion, Attah Ochinke Esq. concluded that achieving genuine judicial independence in Nigeria necessitates addressing foundational issues of financial autonomy, constitutional constraints, and the steadfastness of judicial integrity. By implementing substantive reforms and fostering a culture of judicial fortitude, Nigeria can advance towards realizing robust judicial independence.

Next up, the Compere, Dr. Paul Ebiala announced the moderator for the days panel session who was Hon. Justice Emilia Ibok (Rtd) to take her seat alongside the panelists to the panel to start up the session.

The moderator of the session Hon. Justice Emilia Ibok (Rtd) gave her opening remarks to start up the session. She further gave each panelist their moments to adumbrate on the topic for the session.

First up was **Raymond manga** who mounted the podium to give his discourse. In his view, the framers of the constitution did not envision the independence of the judiciary. He further stated that, the constitution itself confirms a constitutional conspiracy and set up of the executives/legislative arm against the judicial arm of government and this conspiracy / set up does not ensure the necessary independence and impartiality. He gave examples of the appointment and dismissal of judges, funding and general condition of service of judicial officers and personnel which are consciously left in the hands of the executives.

He added that appointments of justices and judicial officers are made by the president or governors as the case may be on the recommendation of the NJC and confirmation by the senate or house of assembly as the case may be. He queried that the president or governors will refuse to appoint and swear in justices and judges who are not their choices or candidates and will only do so when the judicial officers pledge their loyalty. How then can such judges consider cases-based on facts, law and evidence against their appointor.

Next up was **O. G. Onah Esq**, who stated that it is only the judiciary that can ascertain its independence, else there will be no hope. He added that section 6 (6) (a) of the constitution as amended states that the judicial powers by virtue of the constitution must be vested. That the word vested and the word sanction as used in the constitution is enough. In his view the constitution as it is can achieve independence of the judiciary. He also believes strongly that independence of the judiciary is a reality and not a myth. It is a separate entity from the other three arms of government.

The next speaker was **Henry Barnabas Ehi** who spoke on the autonomy of the judges and how underpaid the judicial staff are. He stated that Judges are seen and not heard. He admonished the NBA has to be the voice of the Judiciary. They have to fight for the rights of judges too and should take the necessary measures to ensure that judges are catered for.

Next speaker was **Cletus Agogo Esq**, he commenced by asking if we can boldly say the judiciary is independent. In his view the judiciary is separate from other arms of government but not independent from the others.

He further stated that judges have been vested with a godlike power to do what they ought to do. They should therefore do what they are called to do. If they cannot do what they are called to do, they should step down.

He also admonished Judicial Officer to be proactive in the discharge of their duties so as to record their names in the sands of time. However, he further observed that there are some of the judicial staff, who stands out, unfortunately for the lawyers and state actors haven't taken time to appreciate them for their efficiency and effectiveness in justice delivery. He added that, lawyers should always appreciate our judges who are role models in justice delivery as this will encourage others to do better.

He concluded by admonishing judicial officers that is; judges and magistrates to recognize who they are and do what they ought to do because at the end society will live to remember them, in one way or the other. If they don't want their names to be written in the sands of time positively, then they will be remembered negatively.

OBSERVATIONS REACHED AT THE END OF THE PLENARY SESSION

At the plenary session paper was presented on the discourse,

Following the presentation, discussions and interactions, the following observations were made:

- ✓ Judicial independence was defined as the cornerstone of democratic governance, ensuring the judiciary operates free from undue influence, upholding accountability, adherence to the rule of law, and impartiality.

- ✓ The distinction between judicial independence and corruption was underscored, emphasizing that the latter involves decisions influenced by financial incentives or personal biases.
- ✓ The judiciary in Nigeria is perceived as relatively weak, often perceived to align its decisions with executive interests rather than acting independently.
- ✓ Financial Autonomy is one of the several factors impacting judicial independence. While crucial, genuine financial autonomy entails judiciary funds being directly allocated without executive interference, it is not the case in the country.
- ✓ Constitutional Constraints is another factor affecting executive involvement in judge appointments and promotions poses a significant challenge, potentially leading to politically motivated appointments rather than merit-based selections.
- ✓ Judicial Self-Assertiveness is another factor. Instances of judicial hesitance to assert independence and resist executive overreach are noted, exemplified by historical mistreatment of judicial officials.
- ✓ Independence of the judiciary or lack of it connotes that the judiciary is under the other arms of the government. That the decisions of the court are influenced by the caprices of the executive
- ✓ Judiciary is not independent where the courts show a tendency to be politically correct and deliver judgements in favour of the party that has support from the state.
- ✓ The independence of the judiciary infers that the judiciary, as one of the three arms of the government, acts, conducts and plays its role devoid of any influence from the other arms of government, in a manner that promotes accountability, rule of law without fear or favour.
- ✓ The framers of the constitution did not intend the independence of the judiciary. see section 17(i) (e) of the constitution and section 6(6)c of the constitution.
- ✓ Sec. 17 (i) (e) const. provides for the independence, impartiality and integrity of the judicial arms but s. 6(6)c of same const. makes the provision enforceable by bringing it under chapter 12 of the constitution the fundamental principles and directives of state policy.
- ✓ The constitution itself constitute a conspiracy and set up of the executives and legislative arm against the judicial arm of government and this conspiracy and set up does not ensure

the necessary independence and impartiality. E.g appointment of judges, dismissal of judges, funding and the general condition of service of judicial officers and personnel which are consciously left in the hands of the executives.

- ✓ Even NJC, charged with the task of recommendation of justices and judges for appointment is actually a Federal executive body pursuant to section 153 (1) (11) const.
- ✓ The UN identifies that other arms of govt. are accountable to the people, but the judiciary and the judiciary alone is accountable to a higher value and to standard of judicial rectitude.
- ✓ The weakness associated with the judicial set up that can hamper its independence and impartiality in the discharge of its functions are method of appointment, removal of judges, funding, general condition of service of judicial officer and staff.
- ✓ Any appointment other than based on competence and merits and integrity of the person is a political appointment and the ultimate victim is JUSTICE and the society will bear the consequences of an incompetent judge.
- ✓ In Nigeria, the president can remove the judges from office. The appointment and removal of judges leave much to be desired in terms of the guarantee of the individual independence of the judges.
- ✓ It is clear that the appointment and removal power may be used to ensure that only persons loyal or constructively inclined to govt. are appointed while the judges considered on the war path of govt, policies or against the interest of govt. are removed.
- ✓ In Nigeria, the power of the purse resides in the executives and legislature and this hinders the independence of the judiciary.
- ✓ It is a set up that the executive and legislature between them can always vote what they want for themselves, while the judiciary the 3rd arm is allocated what the other two deemed fit for them. This leaves the judiciary in a position of going on bended knees to requests for whatever it needs. This does not guarantee the independence of the judiciary.

RESOLUTIONS

In the light of all the observations above, it was resolved that:

- ✓ Enhancing Financial Autonomy: Advocacy for judiciary budgets to be sourced directly from the consolidated revenue account, mitigating executive control.
- ✓ Constitutional Reforms: Proposed amendments to grant the Judicial Service Commission exclusive authority over judge appointments, promotions, and disciplinary actions, thereby minimizing executive influence.
- ✓ Promoting Judicial Empowerment: Encouragement for the judiciary to proactively defend its independence and withstand external pressures, fostering a culture of resilience and institutional dignity.
- ✓ Upholding Judicial Integrity: Emphasis on the pivotal role of judges' moral integrity and courage in upholding judicial independence amidst external pressures.
- ✓ Funds should be directly allocated without executive interference
- ✓ For the independence of the judiciary to be a reality, the noticeable inadequacies of the constitution must be corrected
- ✓ The processes of appointment and removal should not be in the hands of the executives and the legislature.
- ✓ Institutions should be empowered to checkmate the excesses of the executive and legislature.
- ✓ Independence of the judiciary, lie in the character of the judge.
- ✓ We are not going to have independence of the judiciary unless we defend that independence. We must fight for it.
- ✓ Judicial independence even if legislated into existence, will survive if the stakeholders in that sector, lawyers and especially judges, develop complete intolerance to any deviant behavior that put that independence to risk. It includes standing up to executive bullying.
- ✓ The process of recruitment, discipline, promotion and retirement of judges should be exclusive preserve of the judicial service commission.
- ✓ Judges are seen and not heard. The NBA has to be the voice of the Judiciary.
- ✓ Let us not be about what we are paid. Let the judiciary do their duty they swore an oath to do, so that their name will be written and remembered in the sands of time.

- ✓ We should appreciate our judges that are doing well.

BAR - BENCH FORUM

REPORT OF THE BAR - BENCH FORUM ORGANIZED BY THE NBA CALABAR BRANCH WHICH HELD ON FRIDAY, THE 28TH DAY OF JUNE, 2024

At 12:38 pm, the forum commenced with the **Topic: "Bar-Bench: Problem or Solution to a Better Nigeria"**

The Chairman/Moderator of the panel was introduced to be the Joe Agi (SAN) who was ably represented by Dr. Emmanuel Idaka Esq. The other speakers and members of the panel were Hon. **Hon. Justice Ijeoma Ojukwu**: Discussing on the subject matter: "Bar-Bench: Problem or solution to a Better Nigeria" Justice Ijeoma stated that communication is key between the Bar and the Bench, calling for a mutual respect and understanding devoid of sentiments when there is a dealing between a Lawyer and a Judge.

Next up was **Imelda Mboto, Esq.** who noted lack of mutual respect between the Bar and the Bench, calling on members of the Bench to call their staff to order to know the appropriate way of discharging their duties with the Lawyers in a befitting professional manner.

She emphasized on the need for Judges to communicate to their Clerks on time regarding the state of affairs for the day's sessions, while ensuring that the Clerk as well pass the same information in good time to the Lawyers for proper time management.

Imelda Mboto.Esq., also lamented on the extortion practice through clerks. She holds that the Clerks have various means of extorting Lawyers and demanding undue fees, she therefore called on all the Judges to keep an eye on the Clerks and correct the ugly practice as it is not worthy of the Legal Profession.

She went further to point out the unavailability of some utilities in Courts and called for a necessary step of action for a smooth run of the Judiciary system. Finally, she stressed on the act of double charging lawyers in the process of filling for judgment which is very uncalled for in the system.

Mrs. Nkechi Usani (The Chief registrar Cross river state Customary court of appeal) on a note of information to the Panel stated that the Customary Court of Appeal Calabar is now in operation and that the Customary Court now has jurisdiction over matters relating to chieftaincy. She also notes that the Customary Court of Appeal also possesses exclusive jurisdiction over appeals on matters involving customary law. She further states that the Court does not handle matters that are criminal in nature despite being related matters of customary law.

She however, stated the constraints faced by the Magistrates and the Judges. One of this is the difficulty in ascertaining the total cost which may cover a whole process of running a case.

INTERACTIVE SESSIONS:

- 1. Dr. Paul Ebiala, Esq.,** suggested that Exclusive Jurisdiction should be conferred on the Customary Court of Appeal on Chieftaincy Related Matters. He noted that if this is done, those matters which the Customary Court of Appeal have Original Jurisdiction over would no longer be brought to the High Court.
- 2. Justice Eunice Dada** noted that Lack of Proper and Sufficient Information is the stumbling block for actions by Members of the Bar. He emphasized the need for more Information in all areas of Law.
- 3. David Obande, Esq.** questioned the Inappropriateness or otherwise of referring to Honourable Judges and Justices who are female, as My Lord as against My Lady, which is obtainable in other climes.
- 4. Hon. Attah Ochinke Esq.** Complained on the location of Courts and Divisions create challenges for Member of the Bar. He noted that Courts ought to be centralized so as to enable members of the Bar and Bench have easy access to Courts and make litigation more effective. He further noted that the proliferation of Courts in different Villages made it difficult for proper checks and adequate Facilities to be Present.

5. **Gift Ekum, Esq.** appreciated the Members of the Bench on behalf of other Young Lawyers. She noted that the willingness of the member of the Bench to maintain a space for learning and the actions of the members of the Bench in not visiting Inadvertent Errors of Young Lawyers on their clients gave them room to learn on the job.
6. **Essien Wills, Esq.** Noted that consequences for erring Judicial Officers should be fast and fit the Offence. He opined that if the erring Judicial Officers were appropriately punished, other persons would take warnings and therefore would not repeat the errors.
7. **Lady Nkoyo Amah, Esq.** Noted that one of the major issues that slows litigation is the absence of the Bench especially when they are called on National Assignments. She noted that Judges and Justices who are retired should form a Pool wherein where there is need for Members of the Bench to undergo any National Assignment, these Retired Justices should be the ones to go as they're versed in the Law, and have more time on their hands and the litigants would not become victims of a lengthy process.

Question: Imelda Mbuto asked what are judges doing concerning the harassment from court clerks about outrageous bills.

She further noted that in manning the court, Emails should be submitted to avoid sitting down for hours to know if the court will sit or not, and also to send course list.

Answer: Justice Ijeoma Ojukwu responded that where anyone is being harassed for money by magistrates or clerks, they should be bold to make a complaint. She also noted that sending hearing notice through email address is a good idea.

Reactions

Justice Ijeoma Ojukwu while on stage expressed the need for Trainings and Retraining of Magistrates especially and other Newer Members of the Bench.

She further expressed that provision of facilities and adequate security is important as this is key to better Services from the Members of the Bench.

In conclusion, Lawyers were enjoined to be bold enough to make written complaints on the irregularities purported by court clerks and other judicial officers for appropriate actions. The Bar was also to speak up for the Bench and reduce unfounded allegations in the public space.

The Chairman/Moderator of the panel ably represented by Dr. Emmanuel Idaka Esq. thanked the other speakers and members of the panel, Hon. Justice Ijeoma Ojukwu, Mrs Nkechi Usani, Mba Ukwani (SAN) ably represented by Imelda I. Mboto Esq. And Henry Barnabas Ehi Esq.

OBSERVATIONS

At the BAR- BENCH FORUM members of the Bench and the Bar discussed their relationship and how it could best be harnessed to promote a better Nigeria.

Following the presentation, discussions and Interactions, the following Observations were made:

- ✓ That there is inadequate communication between the Bar and the Bench.
- ✓ That there is need for mutual respect between Legal Practitioners, Judges, Magistrate and members of the Judiciary. Members of the Bench should endeavour to advise their staff (Clerks, Secretary) not to talk down on Lawyers.
- ✓ The issue of Disrespect from Clerks, Extortion by Clerks on processes within their Possession, Incessant Billings on Orders, production Warrants and Judgements should be addressed by the appropriate authority.
- ✓ There is need for Information as to Lateness of the members of the Bench. That where any member of the Bench would be in court late or would not be around at all, adequate Information should be provided to Counsel on time.
- ✓ The Customary Court of Appeal, Calabar is now in operation. The Customary Court now has Original jurisdiction over matters relating to Chieftaincy. The Customary court of Appeal also possesses exclusive Jurisdiction over Appeals on matters involving Customary Law.

This court does not handle matters that are Criminal in nature despite being related to matters of Customary Law.

- ✓ That sentiments should not be attached when there are dealings between a Lawyer and a Judge or vice versa.

RESOLUTIONS:

In the Light of all the above observations, the NBA Calabar Branch resolved at its Bar-Bench forum as follows:

- ✓ That to better further the activities of the Customary Court of Appeal, Exclusive jurisdiction should be conferred on the Court on all Chieftaincy related matters.
- ✓ That all members of the Bar should avail themselves on the recent laws available. That this would serve as a guide on our actions.
- ✓ That trainings should be carried out to inform and involve the Bench on the Original jurisdiction of the Customary Court.
- ✓ That Trainings should be organised for Members of the Bench in all areas. This would help prevent the issue of descending into the arena by the Bench.
- ✓ The activities of the Bench in encouraging Young Lawyers is notable and should be continued. These actions have helped to improve relationship and learning experience of lawyers.
- ✓ Respect is Reciprocal. Members of the Bench promised to treat lawyers better.
- ✓ The Government should provide Mobility and adequate Security for members of the Bench, during work hours and at Home.

REPORT OF THE NBA CALABAR 2024 BAR DINNER WHICH HELD AT THE DOME, CALABAR MUNICIPAL, CALABAR ON FRIDAY THE 28TH DAY OF JUNE, 2024

As part of the 2024 Bar Week activities, the NBA Calabar Branch hosted a Bar Dinner on the 28th day of June, 2024.

The dinner was chaired by the Clerk of the Cross River State House of Assembly, Catherine Ubi Esq who was ably represented by Lawrence Eba Esq., The Head of the Legal Department, Cross River State House of Assembly. The dinner also had in attendance several other eminent personalities amongst who were:

- ✓ Ededem C. Ani (The Attorney-General and Commissioner for Justice, Cross River State) .
- ✓ Prince Edwin Okon (the Chairman, Cross River State Internal Revenue Service)
- ✓ Nsikak Ikpeme Esq., the Chairman, Doyen Bar and his dear wife.
- ✓ Muri Ekpeyong E. Ndiyo Esq.,
- ✓ Auta Nyada Esq., Secretary of Continuing Legal Education Committee, Nigerian Bar Association.
- ✓ Daniel K. Kip, Esq., Assistant General Secretary, Nigerian Bar Association.
- ✓ Barnabas Ehi, Esq., (Aspirant for the position of Assistant General Secretary of the NBA)
- ✓ Members of the Executive of the Doyen Bar, Members of the Branch and Other dignitaries.

The dinner commenced at 7:24pm with the NBA prayer, thereafter dignitaries were introduced by the Dr. Paul Ebiala, Esq., Daniel Ekpo Esq. And Osim Edward Osim Esq as the Comperes for the Dinner. This was followed by the Branch Chairman, Nsikak Ikpeme Esq. opening remark.

The Chairman of Doyen Bar called on the Chairman of the Planning Committee Hon. Ededem C. Ani, Esq., to give his Remarks and thereafter the Chairman of the Occasion, the Clerk of the Cross River State House of Assembly, Catherine Ubi Esq., who was ably represented by Lawrence Eba Esq., The Head of the Legal Department, Cross River State House of Assembly to give his speech.

Representing Catherine Ubi Esq., Lawrence Eba Esq. while reading the speech, informed the audience that Catherine Ubi Esq. could not be present as she had other pressing engagements and has sent her heartfelt goodwill and congratulates the Bar on its bar week celebrations. In his

speech, he quoted the Bar week theme and said it is apt and thought provoking in the times we are today. He also stated the need for adopting Case flow Management.

He promised the Bar that the Cross River State House of Assembly, was interested in doing their part to look inward and extend as a guide to all the arms of Government. He also enjoined Legal Practitioners to make efforts to participate in Public Hearings and make informed opinions on all Bills.

He added that the Clerk of the Cross River State House of Assembly in a bid to ensure involvement by the Bar in Legislation of Laws has decided that every bill before the Cross River State House of Assembly would be sent to the Secretariat of Nigerian Bar Association Branches in Cross River State for Vetting and inputs before the Bill is sent for Public Hearings. He asked that we enjoy our dinner and pray God to bless the Doyen Bar, Cross River State and the Nigerian State.

The next activity was the goodwill message from Auta Nyada Esq. Subsequently, the presentation of Awards to well deserving Persons took place.

AWARDEES

His Excellency, the Executive Governor of Cross River State, Senator Prince Bassey Otu. His Plaque of Honour from the Branch was presented by the Chairman of the Doyen Bar to Hon. Ededem C. Ani, The Attorney General and Commissioner for Justice on his Behalf.

Hon. Ededem C. Ani Esq., The Attorney General and Commissioner for Justice, Cross River State and the Chairman of the Planning Committee for the Doyen Bar Week 2024 -This plaque was presented by Daniel K. Kip Esq.

Prince Edwin Okon, The Chairman Internal Revenue Service, Cross River State. This Plaque was presented by Auta Nyada Esq.

Dr. Paul Ebiala presented by Joe Oloko Esq.

Onor-Obassi E. Tawo Esq. Presented by Dr. Patience Egwu.

Prince Edwin Okon, the Chairman of the Cross River State Internal Revenue Service, gave remarks on behalf of the Awardees. He appreciated the Doyen Bar for acknowledging the work of the Internal Revenue Service and enjoined The Bar to be more proactive in engaging in Taxation Law. He also appreciated the other Awardees for their hard work that was recognized by the Doyen Bar and enjoined them to keep up the good work.

Dinner was served, afterwards the Chairman CPC gave his vote of thanks.

The branch secretary gave the closing prayers. And the dinner was brought to a close.

GOODWILL MESSAGES/FELICITATIONS

GOODWILL MESSAGE

Hon Justice Akon B. Ikpeme (FNISM, FICMC, F.DRI, JP)

Chief Judge, Cross River State

It is with great pleasure that I congratulate the Executives and esteemed members of the Nigerian Bar Association, Calabar Branch, on this occasion of the 2024 Bar Week. This auspicious event, which is a tradition of the Bar and programmed to engage robust activities and discussions, is very laudable.

The legal profession, which is a profession with vision of promoting the rule of law, has continued to engage in quality discussions in events such as this, geared towards strengthening issues of attention in the society. His imminent role in the Bar has contributed to repositioning and reforming the society in various aspects.

The theme of this Bar Week; “ACCESS TO JUSTICE WITHIN THE NIGERIAN FISCAL SPACE”, will grant lawyers, discussants and panelists the opportunity to extensively deliberate on fostering a fair and equitable environment for economic activities and ensure compliance with fiscal laws and regulations.

As a very vibrant branch, it is my belief that the team of speakers and discussants will x-ray crucial areas of focus which will be intellectually stimulating, fulfilling and foster innovation.

On behalf of the Conference of Judges and the Cross River State Judiciary, I wish you all a very successful deliberation. I pray the deliberations will advance the growth and development of Cross River State and Nigeria at large.

Long live the Doyen Bar!

Long live the Nigerian Bar Association!

Long live the Federal Republic of Nigeria!

GOOD WILL MESSAGE

MAZI AFAM JOSIAH OSIGWE, SAN

I congratulate the Nigerian Bar Association, Calabar Branch (Doyen Bar), on this occasion of your Law Week, commencing on the 26th of June, 2024. The chosen theme, Access to Justice within the Nigerian Fiscal Space is both timely and critical, reflecting the ongoing discourse on ensuring that justice is accessible to all, even within the constraints of our economic realities.

The theme underscores the importance of navigating the intricate balance between fiscal responsibility and imperative to uphold the rule of law. In a time when economic challenges are prevalent, it is essential to explore innovative solutions and frameworks that access to justice is not compromised. This Law Week provides a significant platform for legal professionals, policymakers, and stakeholders to engage in meaningful dialogue, share insights, and develop strategies that can enhance the justice system while respecting fiscal limitations.

As you deliberate on this important theme, I am confident that your discussions will not only illuminate the current challenges but also chart a course for practical and sustainable solutions. The commitment and dedication of the Doyen Branch to fostering a robust legal system, that serves the needs of all Nigerians is commendable. Your efforts contribute immensely to the advancement of our legal profession and the protection of fundamental rights and freedom.

May this Law Week be a resounding success, marked by productive exchanges, strengthened professional bonds, and renewed vigor in our collective pursuit of justice. I extend my best wishes for insightful deliberations and impactful resolutions.

Warm regards.

GOODWILL MESSAGE

CHUKWUKA IKWUAZOM, SAN

CHAIRMAN, NBA-SARC

FORMER CHAIRMAN, NBA LAGOS BRANCH

I extend my warmest congratulations to the NBA Calabar Branch on the occasion of your 2024 Bar Week, themed **“Access to Justice Within Nigeria’s Fiscal Space.”**

This theme is both timely and crucial as it addresses the intersection of justice and fiscal policy, exploring how financial frameworks can impact the accessibility and efficacy of our legal system.

I commend the leadership and members of the NBA Calabar Branch for your unwavering dedication to advancing legal discourse and professional development. Your commitment to addressing these complex issues is commendable and essential for the continued progress of our legal community and the broader society.

As you engage in discussions and activities throughout this week, I encourage you to explore creative and practical strategies that can bridge the gap between fiscal constraints and the imperative of accessible justice.

Your insights and resolutions will undoubtedly contribute to shaping a more just and equitable future for our nation.

I wish you a successful and impactful Law Week filled with enriching dialogues, valuable networking, and meaningful outcomes.

May this event strengthen our collective resolve to champion the cause of justice and uphold the highest standards of our noble profession.

Congratulations once again, and best wishes for a productive and fulfilling Bar Week.

Warm regards.

GOODWILL MESSAGE

CHIEF EMEKA OZOANI, SAN

CHAIRMAN, NBA NATIONAL WELFARE COMMITTEE

Dear members of the NBA Calabar Branch,

It is with great pleasure and profound respect that I extend my goodwill to you on the occasion of your forum themed “**Access to Justice within the Nigerian Fiscal Space.**”

The significance of this theme cannot be overstated. In our pursuit of a just and equitable society, ensuring that every Nigerian, regardless of their financial standing, has access to justice is paramount.

It is through such dedicated discourse and collaborative efforts that we can navigate the complexities of our fiscal environment to make justice accessible to all.

I wish you all a successful and impactful forum.

Warm regards.

GOODWILL MESSAGE

HENRY BARNABAS EHI

PARTNER, MAXON & PRIME LEGAL

Dear Learned Silk, Elders, and Colleagues,

It's with great pleasure that I commend the executive committee and the planning committee of this year's Law Week with the theme “Access to Justice within the Nigerian Fiscal Space.”

Your commitment to addressing these critical issues reflects your unwavering dedication to the principles of justice and equity. May this Law Week inspire innovative solutions, foster meaningful dialogue, and strengthen our collective resolve to create a more inclusive legal system.

Kind regards.

GOODWILL MESSAGE

DANIEL KIP, ESQ.

NATIONAL ASSISTANT GENERAL SECRETARY

I heartily felicitate the Officers and members of the Nigerian Bar Association, Calabar Branch, my home branch, on the occasion of the 2024 Bar Week.

I also commend the Doyen Bar on the choice of this year's theme; **Access to Justice within the Nigerian Fiscal Space** and I wish all the panelists and participants fruitful deliberations. Congratulations.

GOODWILL MESSAGE

WILLIAMS SOSEIPRIYE, ESQ.

The theme of this year's NBA Calabar Branch Law Week "**Access to Justice Within the Nigerian Fiscal Space**" is germane at this time of our existence as a nation. As the cost of daily existence is spiraling out of control, so is the Fiscal inability of most Nigerians to access justice. I appreciate NBA Calabar Branch for finding it worthy to settle for this theme which I believe will postulate practical panacea in our present circumstances.

I wish NBA Calabar Branch the best Law Week and all participants resounding outcomes.

GOODWILL MESSAGE

BLESSING UDOFA-POROMON

I felicitate the NBA Calabar Branch (Doyen Bar) on the occasion of their Bar Week. The theme for the program; **Access to justice within the Nigerian Fiscal Space** is indeed apt especially given the focus of the Federal Government as it concerns Fiscal Policies and the Foreign Exchange. Strengthening our institutions, particularly the Judiciary and robust access to justice.

I believe that the deliberations from this discourse will be a step in the right direction as it concerns this issue. I commend the Chairman and members of his executive committee. I wish us all a fruitful Bar Week.

GOODWILL MESSAGE

AUTA NYADA, ESQ.

SECRETARY, CONTINUING LEGAL EDUCATION COMMITTEE

The Nigerian Bar Association, Calabar Branch (the Doyen Bar), has once again demonstrated its excellence by organizing a remarkable Bar Week despite the prevailing economic challenges in the country.

The theme; “**Access to Justice within the Nigerian Fiscal Space**”, is particularly relevant and timely, considering the current economic landscape in Nigeria.

Access to Justice encompasses the mechanisms that enable citizens to seek redress for violations of their legal rights. However, citizens often face obstacles in seeking justice, including delays due to congested court dockets, inefficient case management, commercialization, corruption and economic factors.

The Doyen Bar NBA has acknowledged these challenges and has chosen to tackle them head-on, specially in the context of the Nigerian fiscal space.

The distinguished Chairman of the Week, Hon. Justice Emmanuel A. Agim, JSC brings a level of intellectual sophistication that suggests this year’s Law Week will not only offer practical solutions but also provide a rich and stimulating experience. With his erudite leadership and the participation of other brilliant minds, we can expect a truly enlightening and thought-provoking event.

I commend the Law Week Planning Committee for their efforts and dedication to addressing these critical issues.

Congratulations.

**COMMUNIQUE ISSUED BY THE NIGERIAN BAR ASSOCIATION (NBA) CALABAR BRANCH AT THE
CLOSE OF HER ANNUAL BAR WEEK WHICH HELD AT THE DOME, CALABAR MUNICIPALITY
WEDNESDAY, 26TH JUNE, 2024- FRIDAY, 28TH JUNE, 2024.**

PREAMBLE

The Nigerian Bar Association, Calabar Branch (the Doyen Bar) held her 2024 annual Bar Week from Wednesday the 26th day of June, 2024 to Friday, the 28th day of June, 2024. The theme of the Bar Week was **'Access to Justice within the Nigerian Fiscal Space'**

On Thursday the 27th day of June, 2024, was set aside for a public Lecture centered on the theme of the Week. **'Access to Justice within the Nigerian Fiscal Space'** The keynote addresses was delivered by Dr. Rufai Oseni (Arise TV) and Dele Farotimi. The Public Lecture also considered the sub-themes: ***Legal Practice In Nigeria: Justifying the Praxis of a Progressive Remuneration for Legal Professionals; Increasing Lawyers Earning Capacity: Exploring New Frontiers: Law Enforcement Agencies and the Justice delivery Efforts; Independence of the Judiciary: Myth or Reality; Problem or solution to a Better Nigeria.*** The first keynote address was delivered by Dr. Rufai Oseni (Arise TV Host) followed by Plenary 1, which featured Presentation of paper on ***Legal Practice In Nigeria: Justifying the Praxis of a Progressive Remuneration for Legal Professionals*** and panel of discussion which followed was moderated by Prof. Jacob Abiodun Dada of the Faculty of Law, University of Calabar, represented by Former Chairman of NBA Calabar Branch, Williams Anwan, Esq. Eminent panelists/discussants included Hon. Justice Eyo Effiom Ita (Rtd), Anietie Okon, Esq, Enome Amatey Esq, Sabastian Anyia Esq.

Plenary Session 2 also featured presentation of paper by Tobenna Erojikwe, Esq. which was moderated by the former Branch Vice Chairman, Dr. Sam Eboh, eminent discussants included Dr. Patience Egwu Esq., Ajah Ajah Esq. Auta Nyade Esq.

Plenary Session 3 featured presentation of Paper by Chukwuka Ikwuasom (SAN) which was moderated by David Obande, Esq. Eminent Penalist included the controller of Correctional service - Hon. Justice Eneji Amajama.

Plenary Session 4 featured paper presentation by a former branch Chairman, Hon. Attah Ochinke Esq., which was Moderated by Hon. Justice Emilia Ibok (Rtd). Eminent Panelist included Raymond Manga, Esq, Cletus Agogo Esq., O.G Onah Esq, and Henry Barnabas, Esq.

Thursday 27TH June, 2024- OPENING CEREMONY/ PUBLIC LECTURE

The public Lecture had the Chief Judge of Cross River State, Hon. Justice Akon B. Ikpeme as the Special Guest of Honour. He was, however, represented by Hon. Justice Francisca Isoni, the Attorney-General & Commissioner of Justice, Cross River State, Hon. Ededem Charles Ani, Esq, ably represented by the Permanent Secretary Cross River State Ministry of Justice, Peter Bassey, Esq., the Chairman of the event, Hon. Justice Emmanuel Agim, Justice of the Supreme Court of Nigeria however represented by the President of the Customary Court of Appeal, Hon. Justice Sampson Mbeh Anjor.

Other dignitaries who also graced the occasion were, Judges and Magistrates of the Cross River State Judiciary; His Royal Highnesses, the Controller of Correctional Service was represented by DSC Joel Okon Edet, etc.

Friday 28th June, 2024 - THE BAR BENCH FORUM

The Bar Bench Forum had in attendance the Chief Judge of Cross River State, Hon. Justice Akon B. Ikpeme as the Special Guest of Honour. He was however, represented by Hon. Justice Francisca Isoni, the Attorney-General & Commissioner of Justice, Cross River State, Hon. Ededem Charles Ani, Esq, ably represented by the Permanent Secretary Ministry of Justice, Cross River State, Peter Bassey, Esq., the President of the Customary Court of Appeal, Hon. Justice Sampson Mbeh Anjor.

Other dignitaries who also graced the occasion were: Judges and Magistrates of the Cross River State Judiciary, His Royal Highnesses, etc.

This Session was to be Moderated by Joe Agi, SAN, however represented by a former Chairman of the branch, Emmanuel Idaka, Esq. Eminent Panelists included Hon. Justice Ijeoma Ojukwu, Registrar of the Customary Court of Appeal Cross River State, Mgst. Nkechi Usani and Imelda Mboto, Esq.

FRIDAY 28TH JUNE, 2024 - DINNER

The Dinner was slated for 7pm at the Dome, Calabar Municipal, Cross River State.

The Dinner had in attendance the Attorney-General & Commissioner of Justice, Cross River State, Hon. Ededem Charles Ani, Esq, the Chairman Internal Revenue Service, Mr. Prince Edwin Okon, the Assistant General Secretary of the NBA, Daniel Kip, Esq, Aspirant for the office Welfare Secretary of the NBA, Auta Nyande Esq., and Aspirant for the office of the Assistance General Secretary, Henry Barnabas Esq, etc.

The dinner also featured the welcome addresses by the Chairman Bar week Planning Committee, the Attorney-General & Commissioner of Justice, Cross River State, Hon. Ededem Charles Ani, Esq and also the Chairman of the Branch, Nsikak Ikpeme, Esq. as well as dinner speech delivered by the Chairman Internal Revenue Service, Mr. Prince Edwin Okon and finally, the presentation of awards which brought the 2024 Bar Week to a close.

OBSERVATIONS/RESOLUTIONS REACHED AT THE END OF THE PUBLIC LECTURE

OBSERVATIONS

At the end of the Public Lecture, it was observed as follows:

- ✓ That Access to Justice can only be achievable in a society devoid of corruption and manipulation.
- ✓ That access to Justice can only be achievable in a state where the rule of law is effective and reasonably enforced.
- ✓ That Economic Instability, Delayed Payments of Lawyer's fees, and Low Fee Structure are the challenges facing Lawyer's Remuneration.
- ✓ That the primary responsibility of government is the protection of lives and property, and this responsibility is implemented or fulfilled by the various law enforcement agencies through crime detection and prevention.

- ✓ That lack of proper investigations, the attitude of law enforcement agencies in the prosecution of offences sometimes leaves little to be desired. Even cases with what appears to be airtight evidence are sometimes bungled by lack of diligence in the prosecution which inevitably results in a discharge or acquittal of the defendant. The consequence is a further erosion of public confidence in the Judiciary which is often blamed for the inability of law enforcement agencies to secure convictions, especially in high profile cases.
- ✓ That constitutional and statutory limits on the powers of law enforcement agencies are observed more in breach, and law enforcement agencies often conduct themselves with impunity. Unlawful arrests and searches, unlawful detentions without arraignment, reliance on coercion as a means of extracting confessional statements, frustration of the bail of suspects, denial of access by suspects to legal representation, undue prolongation of trials etc. have become standard practices of law enforcement agencies. As we are well aware, these acts of impunity have been brazenly extended to even legal practitioners who are sometimes harassed, intimidated, and even detained for providing legal services and representation to their clients.
- ✓ That disobedience of court orders by government officials and law enforcement agencies is one of the most insidious threats to the rule of law and the concept of constitutional democracy.
- ✓ That the judiciary in Nigeria is perceived as relatively weak, often perceived to align its decisions with executive interests rather than acting independently.
- ✓ That Financial Autonomy is one of the several factors impacting judicial independence. While crucial, genuine financial autonomy entails judiciary funds being directly allocated without executive interference, it is not the case in the country.
- ✓ That Constitutional Constraints is another factor affecting executive involvement in judge appointments and promotions poses a significant challenge, potentially leading to politically motivated appointments rather than merit-based selections.
- ✓ That the framers of the constitution did not intend the independence of the judiciary. see section 17(i) (e) of the constitution and section 6(6)c of the constitution.

- ✓ That the constitution itself constitute a conspiracy and set up of the executives and legislative arm against the judicial arm of government and this conspiracy and set up does not ensure the necessary independence and impartiality. E.g appointment of judges, dismissal of judges, funding and the general condition of service of judicial officers and personnel which are consciously left in the hands of the executives.
- ✓ That the weakness associated with the judicial set up that can hamper its independence and impartiality in the discharge of its functions are method of appointment, removal of judges, funding, general condition of service of judicial officer and staff.
- ✓ It is a set up that the executive and legislature between them can always vote what they want for themselves, while the judiciary the 3rd arm is allocated what the other two deemed fit for them. This leaves the judiciary in a position of going on bended knees to requests for whatever it needs. This does not guarantee the independence of the judiciary.
- ✓ That Correctional Centre are over stretched as the number of people that are supposed to be there are over stretched and lack of proper funding which promotes inefficiency.

RESOLUTIONS

Consequent upon the observations, it was resolved as follows:

- ✓ All hands must be on deck for the betterment of our country.
- ✓ Lawyers should develop themselves by specializing in niche area of their law practice to help them establish themselves as experts that can enhance their fees earning.
- ✓ lawyers should leverage on technological tools and platforms for their law firms to streamline legal processes, increase efficiency and reduce overhead cost.
- ✓ lawyers should advocate for fair and transparent compensation practices by embracing value addition and specialization in order to enhance good earnings.
- ✓ Council of Legal education should regulate the number of lawyers being called to Bar yearly to balance up the market demand of lawyers.
- ✓ lawyers should always see law practice as a business when charging for their legal services as that is the way to enhance their financial stability in legal practice.

- ✓ lawyers should always take into consideration the market value of items when charging fee for their legal services this will ensure their financial stability.
- ✓ lawyers should equip themselves appropriately in order to justify charging a higher fee.
- ✓ Lawyers should sensitize the masses on the new remuneration Order and its enforceability as this will make it easier for lawyers to earn their respective fees without stress.
- ✓ That Judges should award reasonable and suitable damages when awarding cost for breach of fundamental rights.
- ✓ Lawyers should build on the foundation provided by the Remuneration Order of 2023.
- ✓ That Lawyers should advocate for fair and transparent compensation practices by embracing value addition and specialization, and leveraging technology to enhance their efficiency. Hence, ensuring that there are appropriately compensated for the invaluable services provided to their clients and society as a whole.
- ✓ An effective performance by law enforcement agencies of the function of detecting and preventing crimes will significantly enhance peace, law and order and social stability and equilibrium.
- ✓ A secure and peaceful environment is a necessary condition for a functional justice system as it will provide judicial officers and personnel with the confidence to discharge their functions without undue fear of physical harm. Thus, law enforcement agencies can strengthen justice delivery efforts by improving internal security through prompt and effective detection and prevention of crimes.
- ✓ The thoroughness of investigation and diligence in prosecution largely determines the outcome of a case.
- ✓ In addition to increasing the chances of conviction, a detailed investigation of crimes can also enable law enforcement agencies to properly exercise prosecutorial discretion by choosing to prosecute only cases that can be substantiated with credible evidence.
- ✓ By prosecuting cases with fair chances of success based on the results of a painstaking investigation, law enforcement agencies will also prevent abuse of prosecutorial powers.

- ✓ Adequate investigation of offences, and diligent prosecution of offenders is therefore critical to strengthening the criminal justice system in particular, and justice delivery efforts in general
- ✓ It is imperative for law enforcement agencies to exercise restraint and comply constitutional and statutory prescriptions in the exercise of their powers and performance of their functions to strengthen justice delivery efforts and the justice system.
- ✓ That to strengthen justice delivery efforts and the justice system, promote rule of law, maintain law and order and social stability, law enforcement agencies must not only obey court orders, but must also enforce compliance with court orders by other government agencies and officials.
- ✓ Disciplinary actions should be put in place to checkmate the abuse of power of the law enforcement officials.
- ✓ The judiciary should reduce the amount of production warrants for inmates as the vehicle transporting inmates cannot carry more than it should.
- ✓ Financial provisions should be put in place and is very important to achieving the reintegration of and reform of certain inmates in the society.
- ✓ The government should provide the correctional service with workshops (tailoring, carpentry, electricity, mechanics etc.) so the inmates can learn to trade and work for their survival when they eventually get out into the society.
- ✓ Enhancing Financial Autonomy: Advocacy for judiciary budgets to be sourced directly from the consolidated revenue account, mitigating executive control.
- ✓ Constitutional Reforms: Proposed amendments to grant the Judicial Service Commission exclusive authority over judge appointments, promotions, and disciplinary actions, thereby minimizing executive influence.
- ✓ Promoting Judicial Empowerment: Encouragement for the judiciary to proactively defend its independence and withstand external pressures, fostering a culture of resilience and institutional dignity.
- ✓ We cannot achieve independence of the judiciary unless we defend that independence. All hands must be on deck to fight for same.

- ✓ The process of recruitment, discipline, promotion and retirement of judges should be exclusive preserve of the judicial service commission.
- ✓ Nigerians should learn to hold government accountable rather than playing the role of government.
- ✓ Leaders must be courageous and bold to always stand for the truth.
- ✓ We need Judiciary that will not be at the beck and chore of the executive.
- ✓ We need executives that will discharge their duties efficiency and effective in accordance with the provisions of the constitution.
- ✓ We need a country where citizens will be judged not by their state of origin but by state of residence.
- ✓ Legislature should be free, there should be autonomy in the different arm of government for effective implementation of states policies.
- ✓ The Bar should be bold and courageous to tell the government the truth.
- ✓ Every Nigerian must become a change agent towards the realization of the Nigeria we crave for.

THE BAR AND BENCH FORUM

OBSERVATIONS

At the Bar-Bench Forum, members of the Bench and the Bar discussed their relationship and how it could best be harnessed to promote the administration of justice.

Following the presentation, discussions and interactions, the following observations were made:

- ✓ Dispensing justice where the judicial system has enhanced justice delivery and low incidence of corruption has a huge positive impact on the society at large.
- ✓ That there is lack of adequate communication between the Bar and the Bench which has hindered speedy justice delivery.
- ✓ That there is lack of mutual respect between Legal Practitioners, Judges, Magistrate and members of the Judiciary.

- ✓ That there is lack of adequate knowledge by the Lawyers and the masses on the operation and jurisdiction of the Cross River State Customary Court of Appeal.
- ✓ That sentiments should not be attached when there are dealings between a Lawyer and a Judge or vice versa.
- ✓ If the collaboration of the judiciary and the legislature is realized, the battle of the judiciary will be won.
- ✓ Judiciary must be firm to maintain standard with the international communities.

RESOLUTIONS

In the light of all the observations above, the NBA Calabar Branch resolved at its Bar-Bench as follows:

- ✓ That to better further the activities of the Customary Court of Appeal, Exclusive jurisdiction should be conferred on the Court on all Chieftaincy related matters.
- ✓ That all members of the Bar should avail themselves on the recent laws available as this would serve as a guide on our actions.
- ✓ That trainings should be carried out to inform and involve the Bench on the Original jurisdiction of the Cross River State Customary Court of Appeal.
- ✓ That Trainings should be organised for Members of the Bench in all areas. This would help prevent the issue of descending into the arena by the Bench.
- ✓ The activities of the Bench in encouraging Young Lawyers is notable and should be continued. These actions have helped to improve relationship and learning experience of lawyers.
- ✓ Respect is Reciprocal. Members of the Bench promised to treat lawyers better.
- ✓ The Government should provide Mobility and adequate Security for members of the Bench, during work hours and at Home.

- ✓ Enhance Citizens trust thereby reducing the desire to resort to self-help.
- ✓ It is good and important for judicial officer to implement accountability, efficiency and safeguard justice.
- ✓ Collaboration of the Judicial and Prosecutorial Sector.

DATED THIS DAY OF JULY, 2024.

NSIKAK IKPEME, ESQ
BRANCH CHAIRMAN

TEREM INYAMBE, ESQ.
BRANCH SECRETARY

RAPPORTEURS:

- 1) **MERCY ALOBI (Lead Rapporteur)**
- 2) **AFFIONG EGBA**
- 3) **EFEMBE NTA EKE**
- 4) **NANCY AGBOR**
- 5) **JOY NTIBI**