

**A SPEECH BY THE HONOURABLE, THE CHIEF JUSTICE OF NIGERIA, HON. MR. JUSTICE WALTER S.N. ONNOGHEN, GCON, AT THE SPECIAL SESSION OF THE SUPREME COURT OF NIGERIA TO MARK THE COMMENCEMENT OF THE 2018/2019 LEGAL YEAR AND SWEARING IN OF NEWLY CONFERRED SENIOR ADVOCATES OF NIGERIA, HELD AT THE MAIN COURT OF THE SUPREME COURT COMPLEX, ON 24<sup>th</sup> SEPTEMBER, 2018, AT 10.00 A.M.**

### **PROTOCOLS**

It is a great privilege and opportunity to mark the commencement of the 2018/2019 Legal Year. Therefore, on behalf of the Supreme Court of Nigeria, I extend a warm welcome to everyone present at this auspicious occasion. As we all know, this unique occasion is celebrated alongside the swearing-in of deserving members of the Nigerian Bar conferred with the prestigious rank of Senior Advocate of Nigeria (SAN).

Certainly, the 2017/2018 Legal Year had been an eventful one. An occasion like this gives us the opportunity to reflect and examine the activities of the last one year with the aim of paving the way for a robust legal year by building on the previous landmark achievements and avoiding a repetition of past mistakes. The Judiciary to a large extent was successful in effectively responding to the challenges it faced towards maintaining its independence and protecting its impartiality.

May I therefore use this medium to commend my learned brother Justices for their courage, resilience and expertise in the handling of



cases. We have worked together as a team to pilot the affairs of the apex court of the land. I am optimistic that we shall demonstrate more commitment and hard work in the course of this New Legal Year.

I wish to also recognize the efforts of all those, both within and outside the judiciary, who have been very instrumental in rebuilding the judiciary. Indeed their unwavering support and partnership have given birth to an improved justice delivery system.

#### **APPOINTMENTS, RETIREMENTS AND PASSAGES 2017/2018**

On 27<sup>th</sup> February 2018 Hon. Justice Clara Bata Ogunbiyi's sterling career as a judicial officer came to a fitting end as she gracefully retired into a well deserved era of rest and private life. We wish her good health and God's blessing in her retirement. Also of note is the appointment of Mr. Bassey E. Bassey, a Chartered Accountant as the Secretary of the Federal Judicial Service Commission. Mr. Bassey, replaces Mrs. Bilikisu A. Bashir, OON, who retired last year.

Sadly however, we recall the passing of two seasoned Jurists, both former Chief Justices of Nigeria. I refer to the Honourable Mr. Justice Dahiru Musdapher, GCON, who died on January 22, 2018 at the age of 75 years and the Honourable Mr. Justice Katsina-Alu who died on 18<sup>th</sup> July, 2018 at the age of 76 years. The leadership that both Jurists provided to the Nigerian judiciary and the Supreme Court in particular during their stewardship as Chief Justice of Nigeria was impactful and profound. Their judicial pronouncements have remained and will



continue to be invaluable references both in advocacy and the practice of law in this Country. We also lost four of our brothers and retired Justices of the Supreme Court namely; Hon. Mr. Justice Saifullahi Muntanka Coomassie, who departed on Friday, October 13, 2017 at the age of 71 years; Hon. Mr. Justice Pius Olayiwola Aderemi who passed away on Monday, June 18, at the age of 79 years; recently, Hon. Mr. Justice Dennis O. Edozie answered the call on 18<sup>th</sup> August, 2018 at the age of 82 years, and just last week, my 'Senior Brother', Hon. Mr. Justice Ikechi Francis Ogbuagu, CON, passed away at the age of 78 years.

We thank God for their worthy and noble lives and the privilege of having them in our midst. We pray for the peaceful repose of their gentle souls and comfort for their families.

On a personal level, I lost a mentor, Hon. Mr. Justice Mohammed Mustapha Akanbi CFR, former President of the Court of Appeal, and former Chairman, Independent Corrupt Practices and Other Related Offences Commission, (ICPC), who died on 3<sup>rd</sup> June, 2018, aged 86 years. You will all agree with me, we lost one of the finest Jurists of our time whose enduring legacies we will cherish for a long time. May God grant his noble soul the rest he so deserved.



## **REVIEW OF THE 2017/2018 LEGAL YEAR**

In the course of the 2017/2018 legal year, the Supreme Court considered a total number of **1,540** matters comprising motions, appeals and judgments. Under motions, we heard **824** civil and **273** criminal motions, totaling 1097. The Court also considered a total number of **438** appeals comprising **246** Civil, and **192** Criminal. A total of **297** Judgments were delivered by the close of the 2017/2018 legal year. This is by all means an impressive report considering the persistent and increasing volume of cases that continue to come before this Court. I attribute this impressive performance to the hard work of judicial officers, support staff and the reforms we are implementing to improve justice delivery. As we sit daily and sometimes conduct special sittings to clear back log of cases, we remain committed to expeditious dispensation of justice. I would like therefore, to once again salute and thank my learned brother Justices for their continued commitment and hard work.

As we acknowledge noticeable improvement in the disposition of cases, we are not resting on our laurels. This court will therefore continue to strive for speedy disposal of cases that come before it.

On the international scene, our reform efforts are recognized and rewarded. I was recently conferred with the Michael Hill Prize by the International Society for the Reform of Criminal Law in Montreal, Canada. I was also in Vienna, Austria at the launch of the Global



Judicial Integrity Network by the United Nations Office on Drugs in April, 2018.

I am happy to inform you that one of our Judges, Hon. Mr. Justice Kashim Zannah, Chief Judge of Borno State was nominated to serve on the Advisory Board of this important body.

### **2018/2019 LEGAL YEAR IN FOCUS**

In my speech at the commencement of the 2017/2018 Legal Year, I stated that my primary concern is, *inter alia*, to ensure progressive upgrade of the judiciary especially in areas of administration, practice directions, independence of the judiciary and contributing significantly to the fight against corruption. I also emphasized that justice must not only be done, but must be manifestly seen to be done. While our quest for a vastly improved and ICT driven judiciary has achieved commendable milestones, I must state here that much work still needs to be done in order to improve our administration of justice, particularly as regards stricter timelines, records management, enhancing I.T presence, the independence of the judiciary and strengthening judicial standards and ethics.

### **ADMINISTRATION OF JUSTICE**

In order to enhance the administration of justice in Nigeria we are constituting a National Committee on Rules of Practice and Procedure made up of Judicial Officers, Legal practitioners from the local chapters



of the Nigerian Bar, Academics and the National Judicial Institute. In addition to the present system of partial frontloading which covers pleading of facts and law, evidence should also be included. The Rules of practice and Procedure should make provision for concessionaires to handle the service of court processes and documents. Also, the Rules of Practice and procedure should provide for e-filing to be done either by courts or by external management service providers.

We consider that the appellate system should be strengthened by enabling applications for leave to appeal where applicable to be dealt with in Chambers. Also I believe we have reached that stage in our legal system where it is needful for our rules of court and procedure to provide for the award of punitive or wasted costs by the Court for frivolous litigation or delays caused by Counsel. Rules of Court must provide for the mandatory keeping of Court Diary not only by the Registrar of Court, but also by the Judicial Officers. Where Information and Communication Technology is available and applicable, there must be computerized records in each Court. Entries must also be made and posted on the Website of the Judiciary, where information on the type of cases, progress made, judgments etc., can be accessed anywhere in Nigeria, weekly, monthly or quarterly. The National Judicial Council will write to each Head of Court within the State to avoid conflict between the Chief Judge, Grand Kadi and President of Customary Court of Appeal where they exist.



In addition, the Bar and the Bench should ensure that they play their roles in restoring ethics to the legal profession. The National Executive Committee of the Bar should prescribe and enforce sanctions for members who address news men while fully robed, and making comments on cases that are ongoing in court. The Educational Committee of the National Judicial Institute should include in its curriculum, issues that would sensitize Judicial Officers on the need to be cautious in having improper and private communication with Counsel appearing before them. Finally, there is need to continuously train Judges and lawyers in the use of Alternative Dispute Resolution mechanism as a means of speedy dispensation of justice, and more importantly, boosting investor confidence in our economy.

As we prepare for the 2019 general elections I reiterate that the Judiciary will, in determining electoral disputes, continue to play the role of independent, dispassionate arbiter without fear or favour, affection or ill will. However, the Bar must partner with key stakeholders to play the critical role of sensitization and voter education to ensure that eligible members of the public are properly enlightened on the need to participate in the process and conduct themselves lawfully. Such peaceful and largely accepted electoral outcome will engender peace and stability in the polity and ensure sustainable, innovative developments.

It goes without saying that a free and fair election will generate less acrimony, tension and litigation.



## **THE COURT AND TECHNOLOGY**

It is obvious that the conventional method of justice delivery in Nigerian Courts today is cumbersome, time consuming, susceptible to loss or theft of Court documents. There is difficulty in filing Court processes. Information Technology assisted justice system will therefore enhance justice by ensuring, for example that information is adequately captured and passed on digitally, data exchange will not be disintegrated and court processes will be finalized and ready on demand. I believe, rather than point accusing fingers at the courts we should all take collective responsibility for this problem and chart innovative and practical solutions. To what extent, for example, can judicial process be fast-tracked with information technology unwittingly excluding or punishing litigants to negative consequences of IT. With e-justice system, case management will be automated, payment of fees will be made through dedicated websites to reduce corruption, and forms that simplify and streamline court proceedings will be available to court users online. However such measures must be accompanied by enhanced capacity of personnel and investments in cyber security. There is no doubt that an independent, technology-driven justice system is fundamental to ensuring the establishment and promotion of sustainable institutions.



During the 2017 / 2018 legal year, the following milestones were recorded;

1. **Newly Retrofitted Court at the Supreme Court of Nigeria:** The year witnessed the commencement of court proceedings in the newly retrofitted Courtroom of the Supreme Court of Nigeria. All Court proceedings are available on High Quality Video Format with FTR Recording Equipment. This has greatly assisted in obtaining real time transcription of Court Proceedings.
2. **Nigeria Legal Email System:** The Supreme Court of Nigeria had commenced the implementation of serving hearing notices through the Nigeria Legal Email System. This process came into force on July 16, 2018. Every registered lawyer on the platform gets immediate proof-of-service on sending email to the court using their Legal Email Address. Every lawyer having appeals in Supreme Court of Nigeria is expected to enroll for this service in order to be properly served.  
At present 23,000 lawyers have been registered for the email and 18,000 already activated on the platform. In addition, 5, 250 email addresses are available for court staff. It is expected that some correspondences should now be mandatorily sent by official email (courts.gov.ng). A Court Policy will soon be developed in this regard.
3. **Nigeria Case Management System (NCMS)** – New cases are currently being filed into the Nigeria Case Management System. This is our flagship application designed to manage appeals from filing to final disposition. Appeals that have been filed before the implementation of this application will be migrated into the database using a Back loader Template.



4. **New Audio Visual Equipment for Court Ceremonial Occasions**– The main Courtroom has been equipped with new Audio Visual Technology equipment and big SMART LED Screen. This will assist in handling overflow arising from large turnout of people for court events by projecting the event on real time basis to them in the Court FOYER.
5. **Weekly Display of Cause List and Chamber Sittings**– Our Cause List and Chamber Sittings are now constantly updated on our website. This will enable counsel and litigants to have prior information regarding the state of their appeals in the Supreme Court. Presently, the cause list of the Supreme Court for the period September to December, 2018 are already on our website. You may confirm it right now!
6. **Presence on Social Media**– For effective dissemination of information on Supreme Court of Nigeria operations and events, Twitter handle and Youtube accounts have been created in addition to the Court Website. This will enable the court to reach the litigation world through social media. Our twitter handle is *@SupremeCourtNg* and the Youtube Channel is *"Supreme Court of Nigeria Media"*. These mediums will be updated on a continuous basis to disseminate relevant information to Litigants and the public at large.

In the same vein, the National Judicial Institute (NJI) has intensified IT training for existing Judicial Officers, Judges of Lower Courts and other staff of the judiciary.

I therefore enjoin all judges and lawyers to join the judiciary's quest for excellence by subscribing to, and acquiring the legal email, as manual forms of communication will soon be phased out. Lawyers who have



I therefore enjoin all judges and lawyers to join the judiciary's quest for excellence by subscribing to, and acquiring the legal email, as manual forms of communication will soon be phased out. Lawyers who have acquired the legal email can henceforth communicate electronically with the courts and with each other.

### **THE FIGHT AGAINST CORRUPTION**

As stated in my speech last year, an Anti Corruption Cases Trial Monitoring Committee (COTRIMCO) was constituted under the Chairmanship of Hon. Mr. Justice Suleiman Galadima, JSC (Rtd), OFR, CFR. The Committee was set up to monitor corruption cases in various courts across the country in line with my directive to all Heads of Courts to designate Special Courts in their various jurisdictions for the speedy trial of corruption cases.

I am happy to inform you that at the end of the last legal year, a total of 1,499 such cases were identified. Out of this number, a total of 345 Judgments were delivered, 14 cases reserved for judgment and 12 cases struck out. There are 1,139 of such cases pending in various courts across the country. This is a remarkable achievement and a testament to the resolve of the Judiciary to fight corruption in our Nation.

We have a lot more in our agenda to strengthen and reposition the judiciary, but suffice it to say that fighting corruption is not the responsibility of any particular arm of government but that of every



citizen of Nigeria. Corruption or any other form of injustice, for that matter, thrives in a culture of impunity. To carry out a successful campaign against corruption, we have to fight the culture of impunity which is an attitudinal phenomenon. If we allow and respect the rule of law, then there will be a dramatic reduction in corruption and injustice. Corruption starts with a decision by an individual or a group of individuals to do the wrong thing. It is as simple as that. Corruption is never an accidental act. The person who commits a corrupt act has an option to do the right thing. As a democracy, Nigeria is guided by the Rule of Law where the Constitution is the ground norm. And let me quickly add that there is no ambiguity as regards the role of the judiciary in our Constitution. It is an arbiter between parties. The core issue in the mind of an arbiter at any point in time is for justice to be done and seen to be done.

Corruption in the judicial arm of government happens if an arbiter, in this case a magistrate, a judge, a justice or a panel, having heard from all parties and having determined where justice lies, decides to do the wrong thing by giving judgment to favour a particular individual or party over another.

We must not lose sight of the indispensable role of the judiciary in the fight against corruption. Corruption continues to place the judiciary in the eye of the storm, but, we cannot allow that to deter us or weaken our resolve. We must resist all attempts by a rapacious elite to make



justice a commercial commodity. This is an imperative if democracy is to be sustained in our country where the free market milieu seems to be promoting an alarming notion that there is a price tag for everything! We must accept that acts of misconduct of a few rub off on the rest of the judiciary and create the impression that all judicial officers have their hands soiled with the proceeds of corruption.

As Henry Ward Beecher sagely observed –

***“Take all the robes of all the good judges that have ever lived on the face of the earth, and they would not be large enough to cover the iniquity of one corrupt judge”***

It is therefore imperative that anti-corruption initiatives must embrace proactive as well as consequential measures. Indeed the National Judicial Council is determined to redress proven cases of judicial corruption with swift and decisive measures.

Six months after inauguration, CONTRIMCO came out with an interim report that indicted almost everyone in the justice delivery chain – prosecutors, investigating agencies, lawyers (Counsel), judges, and prison authorities among others. The Committees’ reports distilled the problem ranging from poor prosecution, duplication of charges, multiplicity of cases, absence of parties in court, extrajudicial statements, lack of relevant documentary evidence; and on the part of the court, the committee identified the following as contributing to delay



in quick dispensation of corruption cases: retirement/transfer of judges handling such cases, granting of remand order by a court without following up to ensure suspects are brought to court, inadequate provision for proper records keeping, cumbersome process of transmission of records from trial Court which impedes the early disposal of appeals, and difficulties associated with ascertaining addresses for service of process by Bailiffs. The Committee also made far reaching recommendations for speedy trial of corruption cases which I have adopted and have started implementing.

We in the Supreme Court, haven reduced the pre-election appeals in the course of the third term will devote much of this first term in dealing with the identified EFCC, ICPC, and Economic Crime cases alongside the normal Civil, Criminal, and Political cases.

We shall continue to strengthen the judicial institutions in the performance of their statutory functions. We shall reform, strengthen, and continue to work with the National Judicial Council and with the support of the public rid the Judiciary of both perceived and real corruption.

#### **NEW SENIOR ADVOCATES OF NIGERIA**

As with our tradition, today we confer the highest honour of our profession on the most deserving members of the Nigerian Bar. This year, thirty one (31) legal practitioners were nominated for the award of the Rank of Senior Advocate of Nigeria (SAN) on 12<sup>th</sup> July, 2018.



However, only thirty (30) will be conferred with the Prestigious Rank today.

Based on a petition against one of the awardees, Ikhide Ehighilua, Esq, and by virtue of Section 5(1) of the Legal Practitioners Act, CAP L11, Laws of the Federation of Nigeria 2004 as amended, the Legal Practitioners' Privileges Committee at an emergency meeting held on Thursday, 20<sup>th</sup> September, 2018, to consider the petition, and the written reply by the respondent, decided to withdraw the nomination of Ikhide Ehighilua, Esq for the conferment of the Rank of Senior Advocate of Nigeria. The Committee also barred the Legal Practitioner from applying for the rank for the next five (5) years or five applications beginning from 2019.

By virtue of the provision of section 5 of the Legal Practitioners 'Act, CAP L11, Laws of the Federation of Nigeria, 2004 as amended, the Legal Practitioners' Privileges Committee (LPPC) has the sole responsibility to confer on legal practitioners the rank of Senior Advocate of Nigeria (SAN). The rank is the zenith of legal practice and the highest honour conferred by this noble profession. It is a rare privilege bestowed on eminently deserving members of the Bar who have distinguished themselves in the knowledge, practice of and contribution to the law, having passed through rigorous processes. I am aware of the meticulous screening and scrutiny which lawyers are subjected to in line with the minimum standards of competence



provided by the published new *Guidelines for the Conferment of the Award of Rank of Senior Advocate of Nigeria 2017*.

For the first time, the exercise commenced sixty (60) days earlier than previous exercises, with 164 legal practitioners applying for the rank this year. This number consisted of 83 court room advocates and 23 legal academicians. It is my greatest delight to announce that out of the new conferees, we have the first female Professor in the legal academia elevated to the rank of Senior Advocate of Nigeria. It is therefore a commendable feat achieved by the newly appointed Senior Advocates.

The appointment system as I emphasized last year, will continue to be credible and transparent as laid down by the Legal Practitioners' Privileges Committee Guidelines to ensure that appointments are free from partisan politics. As a result of the revised appointment system, only final decisions emanating from Superior Courts of Records with legal significance with accompanied mandatory processes settled personally was accepted for the 2018 SAN award exercise. Apart from Personal Income Tax requirement already in the Guidelines, it was a new requirement for all advocate applicants to provide evidence of letters of employment and pension scheme for junior counsel in chambers. The essence of these criteria is to aid the welfare and growth of junior Counsel, and strengthen the standard of legal practice.

The rank is a privilege. It is bestowed on you to show great leadership, integrity, humility, exemplary character and be a role model to all



aspiring lawyers and the public at large. I am confident that you all will live up to our expectations.

It is imperative to state here again that this rare privilege can, and shall be withdrawn if abused. It must therefore be guarded jealously. I must also stress that as members of the Inner Bar, you now occupy positions of trust and great responsibility. Expectedly, you must exhibit every virtue of excellence, integrity and diligence at all times. You must also remember your duties to the Courts as custodians of justice.

I have to point out the fact that in the just concluded exercise, some applicants were found to have engaged in dishonourable conduct such as forgery of judgments, resulting in their being reported to the Police for investigation and possible prosecution. We have to know that if one is not for any reason qualified to wear silk as a Judicial Officer, he cannot wear it as a Senior Advocate of Nigeria.

I would like at this point to thank the distinguished members of the Legal Practitioners' Privileges Committee tasked with the assignment of scrutinizing over 4000 judgments, trial proceedings and publications, and at the same time conduct disciplinary proceedings on petitions received against Senior Advocates of Nigeria.

I am also happy to report that, for the first time, you all attended a pre-conferment induction programme organized and conducted by the Body of Senior Advocates of Nigeria (BOSAN). The decision to organize the induction was



taken at the inaugural meeting of the body held in Lagos. The report of the 1<sup>st</sup> induction programme with the theme “Legal Ethics And Professionalism In the Practice of Law” indicates that it is a very timely and useful exercise that must be sustained to deepen the Rules of Professional Ethics and Conduct in the legal profession and to arrest the declining standard of the practice of law in Nigeria.

It is my hope that the impact of your pre-conferment induction would be seen and felt by all in the years to come.

Let me further state here that the Board of Governors of the National Judicial Institute has been enjoined to emphasize the need for frequent Bar/Bench Meetings, as this will lead to better relationship between the Bar and the Bench. This sort of collaboration can only strengthen our institutions and bring about the best in us. Ours is not called a ‘Noble Profession’ by accident. It is truly noble!! Don’t you ever forget that.

I therefore congratulate you all as worthy recipients of this great honour which continues to represent the best and the noblest of the tradition, practice and integrity of our profession. I wish you success in all your future endeavors, including that of being role models.

## **CONCLUSION**



My Lords, Distinguished Ladies and Gentlemen, while we are not unmindful of the challenges facing the judiciary and dispensation of justice, we are strong in the conviction that we are able to meet these challenges. The 2018/2019 legal year will by the Grace of God, be a great year for the Judiciary as it endeavours to deliver justice to all. We therefore commence this legal year with renewed hope and vigor. And without any doubt, I want to confidently declare, on behalf of my learned brothers, that the Supreme Court will remain at the vanguard of the protection of democracy, human rights, rule of law and expeditious dispensation of justice. This can only be translated to reality by our individual and collective efforts based on moral and spiritual foundations.

On behalf of my brother Justices of the Supreme Court, I extend our sincere gratitude to all our distinguished guests and well wishers who are gathered here from far and near to witness this historic occasion.

It is now my singular honour and privilege to declare the Supreme Court of Nigeria 2018/2019 Legal Year open. I wish you all a fruitful and happy new Legal year!

Thank you and May God bless us all. AMEN.

**Walter S. N. Onnoghen, GCON**  
**Chief Justice of Nigeria**