

A SPEECH BY THE HONOURABLE JUSTICE ALERO EDODO-ERUAGA ON THE OCCASION OF THE VALEDICTORY COURT SESSION HELD IN HIS HONOUR UPON RETIREMENT FROM THE SERVICE OF EDO STATE JUDICIARY ON FRIDAY THE 29TH DAY OF JUNE, 2018

PROTOCOLS

As the first line of a favourite hymn goes:

*“This is the day the Lord has made, I will rejoice
and be glad in it”.*

I have looked forward eagerly to this day with hope, especially in the last few months. Many were birthed on the face of the earth this day, 65 years ago as I was, many did not see yesterday not to talk of today. It has pleased the Lord, not only to bring me, unworthy as I am, to today but also to this momentous occasion of a Valedictory Court Session in my honour. I am eternally grateful to Him for this privilege. And to Him be glory, majesty, dominion and thanksgiving both now and forever. Amen.

I am also grateful to my late father Chief Oritsegbite Popo Edodo of the Iteye Royal House of Warri Kingdom and my late mother Mrs. Diana Eyewumi Edodo who encouraged me to go into the law profession as I did not exhibit equitable knowledge in the sciences.

I did not need too much prodding as I watched my dad smartly dressed daily in his black suit, stripped trousers, white or stripped shirt with his bib traverse the Courts of the land, with his many “books” I later understood to be law reports. Upon my graduation

from the University of Buckingham, England in 1979, I attended the Nigerian Law School Lagos and was called to the Bar in 1980. Between 1979 and 1981, my father bequeathed myself and my two sisters Oludewa Edodo-Thorpe and Oritsematosan Edodo-Emore to the legal profession. To the education sector, he bequeathed my two other sisters, Toritseju Akharume and Taiwo Owojoba who, today are proprietresses and Chief Executives of their respective educational institutions. His two surviving sons, Owamiyemi Edodo and Oritseweyinmi Edodo are engineer and businessman/property developer respectively.

I did the mandatory National Youth Service Corps with the Legal Aid Council in Bauchi. I had a short stay in the Chamber of John Majiyagbe (SAN) & Co. in Kano while he was hoping to open an office in Maiduguri. When it did not work out he secured employment for me with his friend, Alhaji Abdullahi Ibrahim (SAN) & Co. in Kaduna where I practiced until August, 1982 when I lost my dear mother. I had to relocate to Warri, Delta State, to keep the house for my father as I was the first of nine children. I lost two of my brothers subsequently. God rest their souls.

Upon my relocation to Warri, I joined my father and his bosom friend Mr. Nelson Akporiaye in the law firm of Akporiaye, Edodo & Associate. Private practice whether in Majiyagbe (SAN) & Co., or Abdullahi Ibrahim (SAN) & Co. or Akporiaye, Edodo and Associate

was hectic. It involved a lot of travelling to different towns and states. Practice was a learning period, it was interesting as it was exciting especially when judgment was given in favour of our client. It called for celebration. That was the lot of us white wigs.

In 1984 I got married to my dear husband Dr. Marcus Osiye Eruaga whom I had met two years earlier. I had to move to Benin, in the then Bendel State as he was a staff of the University of Benin Teaching Hospital. We considered it expedient that I got a job that does not involve so much travelling. We zeroed in on the Magistracy. We did not take cognisance of the fact that postings move Magistrates from one jurisdiction to another. After I was sworn in as a Magistrate Grade II, on the 20th May 1985, I was posted to Magistrate Court Sapele. I was in that Jurisdiction for one year before I was posted to Benin City, and subsequently to Ekpoma and Auchi respectively.

Promotion within the Magistracy was slow at a point, between 1991 and 1999 because there was an embargo on promotions. When the embargo was eventually lifted, I rose to the position of Chief Magistrate Grade I in 1999 but unfortunately, the financial benefit did not follow until six months later.

My learned brother J. U. Oyomire (rtd.) at his Valedictory Court Session in May 2018 had appealed to the Hon. Chief Judge and the Edo State Government to do something about the welfare and

working conditions of the Magistrates. I want to add my voice to the appeal. A number of Magistrates are presently stuck at the level of Chief Magistrate (special grade). The dream of every Magistrate is to be elevated to the higher bench, before retirement. Many of the present Chief Magistrates (special grade) are at the periphery of the retirement age. I plead that concession be granted to the Magistracy so that by the next exercise and subsequent ones for the appointment of new Judges, My Lord the Chief Judge will remember the Magistracy like was done during the appointment of our learned brother Hon. Justice A. T. Momodu.

The working environment of the Magistrates also requires urgent attention and face-lift. Many of the Court buildings have become completely run down and dilapidated. The incentive to work is virtually non-existent. It is my sincere hope that with the new law granting autonomy to the Judiciary, the Honourable the Chief Judge will effect the necessary changes and introduce new measures that will bring back to the Magistracy its lost glory and honour.

I want to humbly commend His Excellency, Mr. Godwin Obaseki, the Executive Governor of Edo State, for the new Court buildings and massive infrastructural development going on in the High Courts' Complex in Benin City. The old buildings must be basking in self-consternation as to what is suddenly happening to them, since there has never been any form of significant renovation since the structures

were built during the era of Dr. Samuel Osaigbovo Ogbemudia as Military Governor of Bendel State over forty years ago.

On the 21st of October 2004, myself and three of my learned brothers, Hon. Justice Efe Ikponmwonba, Hon. Justice Anthony Erhabor and Hon. Justice Emmanuel Ahamioje were elevated to the High Court bench, from which I retire today. Life as a Judge has been one of self discipline, comportment and a determination to abide by my oath of office. I remember vividly the judicial oath of office I took on the day of my swearing in. That is:

“to do right to all manner of people after the laws and usages of this land, without fear or favour, affection or ill will”.

I understood this to mean that I must free myself of prejudice and partiality and to conduct myself in Court and out of Court as to give no ground for doubting my ability, capability and willingness to decide cases coming before me solely on their legal and factual merit as they appear to me in the exercise of an objective, impartial and independent judgment. In maintaining this position, I know I must have stepped on a number of toes, big and small. I apologise. It was nothing personal. It was the way I perceived the law I had sworn to uphold. If I had a second chance I will not do it differently.

In expounding on the obligation of a Judge to do justice, the learned jurist, Hon. Justice P. O. Aderemi JSC (as he then was) in Hon.

Michael Dapialong & ors V. Chief Joshua Chibi Dariye&Anor (2007)
152 LRCN 155 at 261 posited:

“The primary function of a judge is to declare the law, not to decide what it should be. The business of law making is, in my humble view, exclusively a matter for the National Assembly in Nigeria context. Though the populace look forward to the judiciary for dispensation of justice, a Judge must always be conscious of his limitation in the discharge of his judicial duties, he must carefully but firmly set out to administer justice according to law, the law which is established for us by the National Assembly of this country or by the binding authority of precedent which itself is substantially founded on the laws passed by the National Assembly”

This I have strived to do for the past 33 years, one month and nine days as a Magistrate and as a Judge. As a mortal man, I might have made mistakes even in my interpretation and application of the law. I must confess, they were genuine and honest mistakes of the head.

Again, the learned jurist, Aderemi JSC, in the same Dapianlong case (supra) at pages 262–263 counseled:

“...let those mistakes be genuine and honest; let them be seen to reflect the limit of our human knowledge”.

It is by this principle that I have dispensed justice throughout my career as a Magistrate and Judge. I know that many of my learned brother Judges I am leaving behind in Edo State share this same

sentiment. I am happy that I am leaving behind a Judiciary of very high integrity where honesty, truth and justice reign as codified in our National Anthem. Despite the in-house cleaning that has taken place and is still taking place in the Nigerian Judiciary, Edo State has come out unscarred. I salute you all, my brothers.

However, I will be quick to warn that we are not to bask unduly in the sunshine of these encomiums. We must continue to be on our guard. As the bible puts it, *we must watch and pray*. We must be mindful of the fact that the eyes of the public are on the Judiciary all of the time as it is considered the last hope of the common man. Conflicts must continue to exist between men, whether personal, corporate or government, it is incumbent on us to sustain the faith and confidence with which people bring their cases to Court for adjudication. Any act of indolence, corruption or lack of courage displayed by members of the judiciary is a betrayal of the trust and responsibility imposed on the judiciary by the Constitution and which we owe to the public. One would shudder to think of the consequences for the nation Nigeria, if the generality of the people should ever come to the conclusion that the Judiciary has failed them. Upholding the Rule of Law must always be our guide at all times, whether it be against persons or against government.

I will want to thank the members of the Nigeria Bar for their cooperation all through the years. A hard-working Judiciary is a

reflection of an equally hard-working Bar. I solicit for more cooperation between the Bar and the Bench. I want to commend the wisdom of the Nigeria Judicial Council (NJC) for the frequent Bar and Bench meetings where both parties rub minds to oil the wheel of the administration of justice. A hard-working lawyer well prepared for his case with indebt knowledge of the law and precedent makes the task of the Judge easier, while a lazy member of the Bar is a disgrace to the profession (the learned profession), a pain to the Court and a disappointment to his client. These are the ones who look for every excuse to ask for an adjournment and if refused, run down the Court. On the whole the majority of the members of the Bar are a pleasure to listen to while they marshall out their cases, in impeccable English language. Advocacy is still the hallmark of a good practitioner. Training and retraining (official and unofficial) is inevitable.

I will also urge My Lord, the Chief Judge and government, while the modalities of our new found independence of the Judiciary (financially) is being worked out, to encourage all our sitting Judges to go for **Alternative Dispute Resolution (ADR) training**. I have in the last few months had some training on the subject. I find that many of the civil cases that take years to conclude could easily have been resolved in a few months as the object of disputation might just be one small issue that parties can resolve across the table and still be

friends or business partners. It should be upon the failure of ADR that parties can then settle down to battle in Court.

I will like to thank all the staff of the Judiciary I have had to work with over the years in Sapele, Benin, Ekpoma, Auchi, Igarra and Abudu where I presided as Magistrate, Chief Registrar and Judge, for their cooperation, hard work in the face of serious challenges and the love they each showed me. To my driver, Ola Omoluabi, who was my driver, personal assistant and son for 17½ years, I say thank you. May God remember you all for good.

To my family, nuclear and extended and friends, you have been a source of strength and support. Thank you for travelling from far and near to share this day with me.

To my beloved husband, Marcus and our precious children I say thank you for your understanding. These many years I have spent the evenings and weekends I should spend with you writing Judgments and Rulings. I appreciate you. I am all yours now.

My gratitude also goes to His Excellency, the Executive Governor of Edo State, Mr. Godwin Obaseki and all his predecessors in office for the privilege to have been found me worthy to serve the Bendel State, then Edo State. Thank you for the support to the Judiciary over the years. It is our prayer that this cordiality between the Executive and

the Judiciary will remain despite our new found judicial financial independence. Both organs of government are important to one another.

I will want to thank our older brothers in this profession and now retired, for gracing this occasion with your esteem presence, if nothing else, to welcome me into your midst. My Lords, I am humbled.

Finally, My Lord the Chief Judge of Edo State, Honourable Justice Esohe Frances Ikponmwun and my brother Judges, words fail me to thank your Lordships for organizing this beautiful Valedictory Court session in my honour. My Lord the Chief Judge thank you for your Lordship's determination to give each and every one of us an honourable exit from the Judiciary. A day such as this is the desire or dream of every Judge. It is the height or peak of our carrier on the bench. May your day come, gloriously too.

Furthermore, I want to thank the Honourable Attorney General, the Chairman of the Bar, the Learned Senior Advocates of Nigeria for the beautiful verbal garlands of commendation with which they have adorned me. I assure you all that *"for as long as memory holds a place in this distracted globe"* (Shakespeare in "Hamlet") which we call the earth, I will treasure the memory of this occasion.

Finally, the legal profession is a beautiful profession for upright and courageous people. The bench must keep it so; the private Bar must ensure that it is so; the official Bar must confirm it to be so. This is the honour in this honourable profession which my father enjoined me to uphold which I, in turn, enjoin you and my daughter, Diana to uphold. In doing so, you will be upholding beauty and truth.

On this note, I bow and make my exit.

Thank you.