

# THE MANIFESTO OF



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# AN ALL-INCLUSIVE BAR - THE LINK BETWEEN THE OLD AND YOUNG; LITIGATION AND COMMERCIAL LAWYERS; AND THE BAR AND SOCIETY 2022

THIS IS MY MANIFESTO ON WHICH I AM RUNNING FOR THE OFFICE OF THE PRESIDENT  
OF THE NIGERIAN BAR ASSOCIATION IN THE 2022 NBA NATIONAL ELECTIONS.

## **JOE-KYARI GADZAMA, OFR, MFR, SAN, C.Arb.**

*Chairman, NBA-Security Agencies Relations Committee*  
*Chairman, Mentorship Committee of the Body of Benchers for Young Lawyers*  
*Chairman, Board of Trustees of the Janada International Centre of Arbitration and Mediation*  
*Chairman, Board of Trustees of the University of Maiduguri Alumni Association*  
*Chairman, Advisory Board of the Environmental Lawyers Association of Nigeria*  
*Chairman, Conference Planning Committee, Jos, Plateau (2005)*  
*Pioneer Chairman, NBA-Section on Public Interest and Development Law*  
*Pioneer Vice-Chairman, NBA-Section on Legal Practice*  
*Pioneer Council Member, NBA-Section on Business Law*  
*Past Chairman, NBA-Abuja Branch*  
*Past Chairman, Chartered Institute of Arbitrators (Abuja Chapter)*  
*Council Member, African Bar Association*  
*Life Benchers*

## **Membership of Professional Bodies/Associations**

- Chairman, Association of Environmental Lawyers Association of Nigeria;
- Chairman, Board of Trustees, Janada International Center for Arbitration and Mediation (JICAM);
- Pioneer Chairman, Association of CEDR Accredited Mediators of Nigeria (ACAMON);
- Pioneer Board Member, Lagos Court of Arbitration (LCA);
- Former Council Member, Institute of Chartered Mediators and Conciliators (ICMC);
- Former Member, Governing Board of the Abuja Multi-Door Courthouse (ADR Centre);
- Former Member, Governing Council of the Institute of Chartered Mediators and Conciliators (ICMC);
- Life Member, Body of Benchers;
- Fellow, Chartered Institute of Arbitrators (CIArb.);
- Fellow, Institute of Chartered Mediators and Conciliators (ICMC);
- Fellow, Nigerian Institute of Advanced Legal Studies (NIALS);
- Fellow, The Nigerian Institute of Chartered Arbitrators;
- Council Member, Governing Board of the African Bar Association;
- Member, Lincoln's Inn, United Kingdom;
- Member, National Executive Council (NEC) of the NBA;
- Member, International Bar Association;
- Member, South Eastern Circuit of the Bar of England and Wales;
- Member, British Nigeria Law Forum;
- Member, Abuja Chamber of Commerce and Industry (ACCI);
- Member, London Court of International Arbitration (LCIA);
- Member, Centre for Effective Dispute Resolution, England (CEDR);
- Member, Mauritius International Arbitration Centre (MIAC);
- Member, Panel of Neutrals, Abuja Multi-Door Courthouse (ADR Centre);
- Member, Panel of Neutrals, Lagos Multi-Door Courthouse (ADR Centre);
- Member, Regional Centre for International Commercial Arbitration-Lagos (RCICAL);
- Member, National Committee on the Reform & Harmonization of Arbitration and ADR laws in Nigeria;
- Member and Sponsor, Negotiation and Conflict Management Group (NCMG);
- Member, Nigerian Commission, International Chambers of Commerce (ICC);
- Member, International Council for Commercial Arbitration (ICCA);
- Member, Governing Council of the Dispute Resolution Center of Abuja Chamber of Commerce and Industry, and
- Associate Member, American Bar Association.

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## A. INTRODUCTION

I obtained my LLB Degree from the University of Maiduguri in 1985 and was called to the Nigerian Bar on the 16<sup>th</sup> of October, 1986. I was appointed a Notary Public in 1996 and elevated to the rank of Senior Advocate of Nigeria in 1998, at about 12 (twelve) years at the bar. I was the first member of the Nigerian Law School set of 1986, the first practitioner from the entire North-Eastern region of the Country and University of Maiduguri to be elevated to the rank. I am currently the Founding Principal Partner of J-K Gadzama LLP.

Subsequently, I obtained a Diploma in International Arbitration from Keble College, Oxford University in 2006. I was admitted into Lincoln's Inn, UK in 2008 before I attended the Institute for Public-Private Partnerships (Ip3), Arlington, the USA in 2009 and underwent a short course on regulation at the London School of Economics and Political Science in 2010.

Having vast experience in litigation and commercial law, I have spearheaded some of the biggest transactions in the Country and have been involved in litigations that have opened new frontiers in our legal system. I have been, for over three decades, an external solicitor to several merchant, commercial, development and industrial banks. I have been retained as an adviser to major multinational corporations, indigenous companies, organizations and a network of high net-worth individuals in Nigeria. In terms of litigation, I was in the past, the lead Counsel to the Independent National Electoral Commission (INEC) and major political parties in the Country.

Due to my strong anti-corruption record, I was appointed Chairman, Legal Team of the Economic and Financial Crimes Commission (EFCC) and Chairman, National Working Group on the Rome Statute constituted by the office of the Hon. Attorney-General of the Federation.

Until recently, I was a Federal Commissioner/Board Member of the Infrastructure Concession Regulatory Commission of Nigeria (ICRC) under the Chairmanship of the Erstwhile Interim Head of State, H.E, Ernest Shonekan GCFR; Board Member, Diamond Pension Fund Custodian Ltd, and Board Member, University of Benin Governing Council.

I am a Chartered Arbitrator (C.Arb.), and a Fellow of the Chartered Institute of Arbitrators (UK) and the Nigerian Institute of Chartered Arbitrators. I have been featured on "Who's Who Legal" as an Arbitration Expert and I am the current Chair of the Board of Trustees of the Janada International Centre for Arbitration and Mediation (JICAM) and a former Chair of the Abuja Chapter of the Chartered Institute of Arbitrators, Nigeria.



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## **B. J-K the Man**

The foundation of my manifesto is continuity and innovation. I firmly believe that the current administration ably led by my brother, Mr. Olumide Akpata has done fantastically well in many aspects ranging from enhancing the welfare of lawyers, upholding the rule of law and making administrative processes in the NBA National Secretariat faster.

I have been consistently and ceaselessly involved in the activities of the NBA since 1998 and I am not a new face to the Bar. I previously served the Bar as the Chairman of the NBA-Abuja branch. I have also been a member of the National Executive Council of the NBA for the past few decades. I am a Life Bencher of the Body of Benchers and as a result of my penchant for mentoring young lawyers, I was appointed by the Body of Benchers under the Chairmanship of His Lordship, Hon. Justice Walter Onnoghen, the then CJN, as the Chairman of the Mentoring Committee for Young Lawyers of the Body of Benchers. I have played an active role in all three sections of the NBA (SBL, SPIDEL and SLP). I was appointed as the Pioneer Chairman of the NBA-Section on Public Interest and Development Law (NBA-SPIDEL), I am the pioneer Vice-Chairman of the NBA-Section on Legal Practice and a pioneer Council Member of the NBA Section on Business Law. At the moment, I am the Chairman of the Nigerian Bar Association - Security Agencies Relations Committee (NBA-SARC) and a Council Member of the African Bar Association.

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## C. Aims, Objects and Programmes

### I. MY WELFARE PLAN

#### *1. Improving Young Lawyers' Remuneration*

The welfare of young lawyers in the profession is of paramount importance to me. Inasmuch as there are young lawyers that earn adequate salaries, the majority do not earn salaries that are commensurate with the work they put in their respective workplaces.

The problem that has seemed to rear its ugly head is the fact that different law firms in different parts of the Country make largely different profits. Due to this, it has remained difficult for the NBA to fix a minimum wage for all young lawyers in the Country. Adding to this conundrum is the fact that some young lawyers earn their take home from their law firms via different means. For example, some may earn via appearance fees while others earn via percentages and bonuses. Due to the earning methods of some of these lawyers, they may even earn more than their colleagues receiving huge monthly salaries.

Even though some young lawyers may not necessarily require a minimum wage or certain yardstick for remuneration due to their agreement with their law firms, it is essential to have a minimum yardstick for other young practitioners who may not be so lucky.

At the meeting of the National Executive Council in 2018, the Monday Ubani-led Committee proposed setting up N50,000 (Fifty Thousand Naira) as the minimum wage for lawyers in Nigeria. Although this proposition seemed logical, it was rejected due to a reason that I previously stated, which is, different law firms have different earning capacities; thus, not all firms may be able to afford that wage.

Although the view of the National Executive Council was logical, I believe that the answer is not to outrightly dismiss the idea of having a minimum wage. I strongly believe that it is high time we set up this yardstick to assist our younger colleagues. I did that for the NBA-Abuja branch when I was the Chairman between 2002 and 2004. This minimum wage may vary depending on the location and size of the practice. To make this work, the NBA branches in each state will be consulted to assist in fixing a minimum that every lawyer must earn.

I am also aware that the Akpata-led administration equally tasked the NBA Remuneration Committee to tackle this very issue. The Nwaochei-led Committee

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submitted its 126-page report to the President with recommendations on fees that lawyers should charge, a proposed new scale of charges for the legal profession, and how law firms should remunerate their colleagues in different parts of the Country etc. After the submission, Mr Olumide Akpata stated that the NEC would deliberate on this issue and implement same.

This is where I believe continuity is required in the profession. If elected, I will put an end to this issue that has lingered for donkey years and ensure that we have basic standards for young lawyers' remuneration across the Country. I will see to the implementation of the report. It is saddening to see my younger colleagues who ought to earn better in Nigeria struggling due to the low pay they earn, especially now that commodities are inflated. In my firm, for instance, all young lawyers are paid well and provided interest-free loans and bonuses.

It is high time that we put this issue to rest. We have deliberated it over time and different excuses seem to be raised at each juncture. The fact must be emphasised that even in our country, Nigeria, where different professionals work, there is a minimum wage of N30,000 (Thirty Thousand Naira). Now, if the Country has an established minimum wage which applies to professions that receive less patronage than the legal profession, why should our noble profession not have an established minimum wage?

As earlier stated, I understand the complexity that establishing this wage may face, particularly because not all law firms give remuneration in the form of salaries. Some firms pay lawyers based on appearance fees and other similar arrangements. To solve this issue, I will work with the NBA branches to fix appropriate wages for practitioners working within those branches. These wages will also factor in how much should be paid to lawyers as appearance fees and also factor in other means of payments normally given to lawyers.

My view on the matter is that it may not be feasible to fix a general minimum wage applicable to practitioners all over Nigeria. This is due to the business and earning disparity in various states across the Country. For example, it would be counter-productive to fix the same minimum wage for a lawyer practising in Lagos as a lawyer practising in a remote village in the Country.

Charity begins at home but never ends there. In my firm, lawyers are paid reasonably and we have a progression scale for lawyers' salaries where every year, they are appraised and receive higher salaries. This is excluding bonuses and other incentives given to them such as interest-free loans, daily lunch and a good working environment.

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I am delighted that the current administration has put in a lot of work in this area and had earlier set up a committee that called young lawyers to inquire about how much they were paid and which region they practised. I strongly believe in continuity and will use this data in discussing with the state branches to fix the stipulated minimum wages for lawyers.

*ii. Establishment of National Minimum Wage Monitoring Committee*

It is essential to establish a committee that will oversee the enforcement of the minimum wage that will be prescribed. The function of this Committee would be to routinely enquire from practising lawyers if their firms are paying the established minimum wage applicable and report their findings to the Secretariat. It would be the duty of the committee to recommend the appropriate measures to be taken if the prescribed minimum wage is not paid by a firm.

Inasmuch as the minimum wage monitoring committee would ensure that Firms pay the prescribed amount. It would also issue awards and recognise Firms that pay above the prescribed amounts and provide friendly working environments for young lawyers and their staff in general.

*iii. Inclusion of the Chairman of the Young Lawyers Forum as a NEC Member*

The Young Lawyers in the Country have various YLF Chairs in their respective branches and there is a National YLF Chairman appointed by the President of the Nigerian Bar Association. Unfortunately, the Young Lawyers are not given any representation at the National Executive Committee (NEC) of the NBA which is the second-highest decision-making body of our Association.

In a previous memorandum I penned and submitted to the NBA, I recommended that the National YLF Chairman should be made a member of the NEC to partake in the discussions and policy-making of our Association. This will go a long way in ensuring that young lawyers are well represented. It will be my plan to ensure that the constitution is amended to include the National YLF Chairman as a statutory member of the NEC.

The inclusion of the National YLF Chairman as a statutory member of the NEC will give the young lawyers of our Association a voice. It will also provide an avenue for the representative of the young lawyers to table their requests and grievances before NEC and assist in reaching solutions for the betterment of their welfare.

To show good faith, all YLF chairmen of branches are the NBA-SARC



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representatives at their respective branches and the National YLF Chairman has been co-opted into the NBA-SARC Committee.

iv. *Mentorship for Young Lawyers*

As the Chairman of the Mentoring Committee for Young Lawyers of the Body of Benchers and organizer of the Hon. Justice Chukwudifu Oputa Mentoring Programme, I have gained considerable experience and knowledge on the type of mentorship our younger colleagues require.

Similar to what is currently obtainable in the United Kingdom, it is my position that we must find a means of assisting our younger colleagues immediately after they finish their training at the Nigerian Law School.

I understand that despite how profitable pupillage may seem, many of our younger colleagues may not welcome the idea of being mandated to undergo pupillage owing to meagre salaries and the unavailability of opportunities to undergo same.

Also, we have to consider that many lawyers undergo a similar experience through the National Youth Service Corps, (NYSC) Scheme. While they serve Nigeria by practising in a Law Firm, they are exposed to diverse areas of the law and taught the skills required to sustain a healthy legal practice.

What I believe would be beneficial to members of our profession would be the creation of formal mentorship platforms where more experienced lawyers develop and mentor the younger practitioners. If elected, I would task the Welfare Secretary and NBA Welfare Committee with the responsibility of creating a mentoring platform where interested and available experienced lawyers will be able to provide mentorship to younger lawyers at no cost whatsoever.

v. *Improving Lawyers' Entitlements by Paying Practising Fees*

One of the benefits of becoming a lawyer is being able to obtain benefits from the payment of our practising fees. Currently, the NBA has made conscious efforts to provide benefits to lawyers who pay their fees as at when due. Some of these benefits include two free packs of stamps, automatic life insurance of up to Two Million Naira, permanent/total disability insurance of up to One Million Naira, eligibility for health insurance, access to finance and other welfare programmes, eligibility for appointment as a Notary Public, Senior Advocate of Nigeria, Judge, etc.

It is well-known that after the payment of our practising fees, many lawyers do not take advantage of the entitlements that accrue as a result of the payment. Many lawyers are not aware of the benefits that they are entitled to as a result of the payment of their practising fees. Perhaps, this is because the benefits accruable to lawyers are not easily obtainable. This is an area that I would ensure I work on. This is because, I believe that formal and active membership of our Association should allow members, entitlement to certain perks. In Nigeria, I make bold to say that the NBA is the most prestigious Association; thus, we must be able to give our members benefits exceeding the membership and professional fees.

If elected, I will ensure that the conditions to be entitled to these benefits are practicable and spelt out to members of the NBA. I will also ensure that members are sensitized on the benefits accruable upon payment of fees.

vi. *Harnessing Lawyers' Data*

The Akpata-led administration brought about the innovation on payment of Bar Practice Fee (BPF) online; my Administration, if elected, will continue with this laudable innovation which is not without its challenges. I intend to improve on the instant innovation and address emerging issues and, complaints therefrom, to aid a more seamless payment of the BPF. My administration, if elected will also, subject to necessary consents, use the pool of data from the payment of BPF for its welfare-inclined and sundry purposes, including request for loan, access to health care, etc, without having to request members supply such data over and over again. I, alongside with my team, will ensure a synchronized data system, solely for the purpose of making welfare more easily and seamlessly accessible to members of the NBA.

vii. *Stopping the Infiltration of the Legal Profession by Non-Lawyers*

It has been quite disturbing, to say the least, that non-lawyers have infiltrated our profession and began challenging us for the provision of legal services to our clients.

First, we have witnessed that quacks have disguised themselves and begun representing clients as lawyers in the Courts of law. Similarly, these same quacks have continued holding themselves out to be lawyers and misled members of the public. Secondly, it has become a growing concern that accounting and similar firms which were founded for the provision of services other than legal consultancy have begun providing legal opinions and legal services to the public.

I am glad that the NBA-SLP and branches of the NBA have at numerous instances

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intervened and stopped the incursion; however, the unfortunate incidence has become one, too many.

If elected, I will ensure that stiffer penalties are meted out to such erring persons. This will entail liaising with the National Assembly for the amendment of our current laws. Furthermore, I will ensure that cases are instituted against any firm other than a law firm that attempts to provide legal services with the hope of obtaining a judgment that will restrain non-law firms from providing legal services.

#### *viii. Ensuring the Security of Lawyers*

As the pioneer chairman of the Nigerian Bar Association - Security Agencies Relations Committee (NBA-SARC), I have garnered experience and in-depth knowledge on issues pertaining to the harassment of our colleagues by personnel of security agencies of the Country.

I have first-hand experience liaising with the personnel of the security agencies and our colleagues who may have been harassed by these agencies that were created to protect Nigerians. I must state, preliminarily, that it is indeed a very sad reality that a Legal Practitioner who has been briefed by a client to represent their interest in interfacing with a security agency would be intimidated, brutalized and harassed. This ugly trend definitely cannot continue to occur.

Due to my position as the Chairman of the NBA-SARC, I have intervened in many of these situations. Frequently, after these interventions, we receive apologies from the security agencies for their conduct. This goes to show that in many instances, the agencies know that they are wrong. Similarly, at times, I have discovered that the lawyer may have been wrong in his approach toward the personnel of the security agencies but even if this is the case, there is no justification, whatsoever, for the use of force on a legal practitioner.

Under my leadership, within the first 3 (three) months of the inauguration of the NBA-SARC, the committee successfully intervened in 15 (fifteen) matters involving legal practitioners where we secured public apologies, the payments of funds such as N10,000,000 (Ten Million Naira) and the release of our colleagues who had been unlawfully detained and harassed. The Committee has also visited most of the security agencies in Nigeria and organized a Town Hall Meeting with all lawyers in Nigeria and virtual meetings with NBA officials.

If elected as President of the Bar, I will continue to sensitize these agencies; especially the Nigerian Police Force, on how to treat lawyers and perform their

duties. It will also be on my agenda to produce a code of engagement for both legal practitioners and the security agencies. This code will guide how interactions should be between members of the bar and the security agencies. I will also ensure that seminars and workshops are organized to constantly train lawyers and security personnel.

It is worth stating that Legal Practitioners and Members of the Security Agencies must work closely and in unity as our jobs often intertwine. Whilst performing my job as the Chairman of the NBA-SARC, I visited many of these agencies and noticed that there was a considerable number of lawyers working in these agencies. I am pleased that the Head of Chambers of the Nigerian Police Force, ACP Simon Lough is a Senior Advocate of Nigeria. I will ensure that we use our good offices in these agencies to foster cooperation between our members and the Security Agencies.

ix. *Improving Lawyers' Access to Finance*

As already stated, I firmly believe in continuity. Mr. Akpata's administration has commenced a laudable initiative where lawyers can obtain loans of up to N2,000,000 (Two Million), at a single-digit interest rate.

The imperative of the instant pilot scheme of the NBA, created for lawyers who may require loans for their working capital, operational needs and sundry purposes, cannot be overemphasized.

As one of my focal areas of interest is to promote viable fiscal policies that enable the financial security, growth and stability of legal practitioners across Nigeria, it is a desire of mine, as a matter of urgency, to see that this instant scheme grows, thrives, and impacts the quality and development of the practice of law and the legal profession in Nigeria through financial empowerment. I will also explore a possibility of more viable fiscal policies that promote the financial empowerment, growth, security and stability of all members of the NBA, especially the young lawyers.

x. *Free Stamp and Seal*

The Akpata-led administration must be commended for providing free stamps to eligible members of the Nigerian Bar Association. This lofty initiative must be continued and improved upon. I therefore undertake to continue with the issuance of two free sheets of NBA Stamps to legal practitioners.

It is my firm opinion that the process of application and delivery of the NBA Stamps and Seals, free or otherwise paid for, can also be improved upon and made faster,



more coordinated and efficient. No doubt, the synergy between the NBA National and NBA Branches must be improved for a more responsive NBA. To achieve this, I have already begun interfacing with legal practitioners with a view to collating their feedback on the challenges, if any, presently encountered in the application process for stamp and seal. I expect that this feedback will form a basis for the improvement of the process itself. Also, I am presently consulting well-experienced service providers on the possibility of a digital stamp and seal. The NBA, now more than ever, must move with the modern times for the ease and comfort of its members.

*xi. Access to Free Legal Research Tools*

While the NBA has made efforts towards enhancing legal research and the overall practice of its members through the free one-year provision of an efficient legal research tool “Primsol” to all its members who are between 1 and 7 years post-call and have paid their Bar Practising Fees as at and when due, it has also negotiated highly discounted rates for lawyers of 8 years post call and above.

It is my considered opinion that this prime initiative must be sustained. If elected as the President of the Nigerian Bar Association, I will ensure that this present initiative is taken even further and farther in a bid to enhance legal research vis-à-vis the overall practice of lawyers in Nigeria. I will explore the possibility of implementing more of such legal research-based initiatives, especially at no cost to the young lawyers of our esteemed Association.

*xii. Inclusion of Corporate/ In House Counsel in Affairs of the NBA*

I have noticed that our colleagues who work as in-house counsel in, majorly, commercial institutions do not receive the same attention and benefits accruable to the majority of our members who are in private practice.

Our profession boasts of many parts, none of which is more important than the other. Accordingly, those who make up the different parts of the profession must be treated and carried along in an equal fashion. I have had the privilege of working with many in-house counsel in corporate organizations during my practice and I am aware of some of the challenges that they face. I am delighted that the NBA-SBL has a Corporate Counsel Committee to ensure that the interests of corporate counsel are catered for.

If elected, I will ensure that these lawyers are given the same treatment as their colleagues in other parts of the profession and the interests of these lawyers are protected.

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xiii. *Education fund for lawyers*

The continuous legal education of a lawyer is an integral part of the growth of our dear profession. In most professional fields, it is obligatory to engage in continuous education to equip professionals with the tools to effectively discharge the functions of their office and the legal profession.

Thus, if I am elected, it will be my plan to ensure that the access to continuing legal education is made easier by establishing an education fund that will provide lawyers who have distinguished themselves in the profession and have proved to be dedicated to the advancement of the legal profession with adequate funds to pursue further education in the legal field. The funding will be derived from a percentage of the bar practising fees and donations from Members of the Bar.

xiv. *Improving the Welfare of Law Teachers*

I am a certified teacher and I still teach in my everyday life. Law teachers are responsible for moulding the minds of prospective lawyers and as such, their welfare must not be overlooked. It is important to note that for any aspiration we have as lawyers to be met, we must take the welfare of our teachers seriously.

To this end, if I am elected as your President, I will work with the Council of Legal Education and the leadership of the National Association of Law Teachers (NALT) to improve the working conditions of our lecturers and provide them with benefits from the NBA.

xv. *Improving the Welfare of Law Officers*

I began my practice as a law officer in 1986 when I was working in the Ministry of Justice, Kano State before delving into private practice. As a result of this, I understand the plight of law officers and currently keep in touch with my colleagues in various offices. At the moment, law officers are precluded from engaging in numerous types of legal work and most are not adequately taken care of. We must salvage this situation and improve their welfare. In addition, the Law Officers Association of Nigeria ('LOAN') has not been allowed to register at the CAC. This must be looked into.

My administration will work with all relevant stakeholders such as the leadership of the LOAN to ensure that the welfare of law officers is improved and they are permitted to engage in some legal work that does not conflict with their public duty.

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## 2. OUR PROFESSION AND MY PLAN

### *xvi. Conferment of the Rank of Senior Advocate of Nigeria*

Recently, there has been a considerable amount of public opinion shed on the award of the rank of Senior Advocate of Nigeria. Many have called for the abolition of the rank; others have asked for a total overhaul while some have asked that the number of persons conferred with the rank be reduced.

First, I understand the logic behind all these positions and fully acknowledge each of them. The rank of Senior Advocate of Nigeria is a hallowed status that many hold dear to their hearts as their highest achievement in the profession, while others are working hard to obtain the rank.

I believe that the main problem with the award of the rank is that many practitioners meet the requirements year in, and year out; however, they are never awarded the prestigious title. To add to the issue, it seems that some of the practitioners who ought to be the most qualified are shunned and the rank is awarded to persons less qualified than they are. This has led to many persons feeling disgruntled and alleging that the award has become political.

To solve this issue, I believe it will be essential for the entire process to be open and transparent. All applicants that meet the requirements ought to be awarded the rank to ensure transparency. To ensure that the rank is not seen to be a mere stepping stone, the requirements for the award can be increased. The only room for discretion that the LPPC may exercise may relate to the award representing the National Image of Nigeria and their assessment of the candidates' performances at the interview sessions and the quality of the cases and books supplied by these candidates.

After the conclusion of the exercise, any candidate that does not attain the rank should be informed why they did not make the cut. This will ensure that all unsuccessful candidates do not feel as though they were rejected due to political reasons but based on objectivity.

Above all, as done in the United Kingdom where I am qualified to practise, I will ensure that potential applicants are given free training on how to apply for the rank. This will be quite useful especially now that the application process is being made digital.

It is not in doubt that one of the major problems in the justice sector and the entire Country is the delay in dispensing justice. The slow pace of the dispensation of justice has chased away potential investors, led to the loss of faith in the judiciary, given the government the confidence to trample on the rights of citizens and forced people to resort to self-help. The common adage, justice delayed, is justice denied remains apt up to this day. It is saddening that simple arbitral enforcement or even tenancy matters can linger in Court for more than 3 (three) years. We have now witnessed that matters in the District and Magistrate Courts can take up to 3 (three) years to resolve as well. This is excluding the amount of time that would be required for an appeal.

This is perhaps one of the major areas where my attention will be fixed. To resolve this issue, many steps must be taken. Although I agree that we need to employ more judicial officers to determine cases in Court, this is not the only solution to this problem. First, we need to discuss with the National Assembly and other stakeholders to limit the matters that may go as of right on appeal to the Court of Appeal and Supreme Court of Nigeria. It is pathetic that even tenancy matters that have no bearing on the legal framework of the entire Country get up to the Apex Court.

Certain matters should be made to terminate at the Court of Appeal, for example, matters referring to the enforcement of arbitral awards should terminate at the Court of Appeal. For matters not within the Supreme Court's original jurisdiction to be appealable to the Supreme Court, it must concern national importance and the leave of the Supreme Court must first be obtained. This leave may be granted in chambers by the Apex Court. If this particular step can be taken, it will drastically reduce the backlog of cases at the Supreme Court.

Although I have stated my position on the matter above, once elected, I will obtain the view of members of the profession and our colleagues on the bench, particularly the National Judicial Council (NJC) and the Honourable Minister of Justice and Attorney General of the Federation on the matters that should be appealed to the Court of Appeal and Supreme Court. Once this is sorted, the NBA will move for the alteration of the Constitution to reflect this and amendment of relevant laws to permit this.

Furthermore, I will ensure that steps are taken to make proceedings easier for practitioners. For example, we must embrace virtual proceedings, especially for matters such as rulings and mentions. We must also reach the stage where trials can be conducted comfortably via virtual means.



Moving on, I will liaise with the National Judicial Council to make it a standard rule and operation practice for Courts to ensure that Lawyers are informed, at least, 24 hours before a scheduled case, that the matter would not proceed. It is quite frustrating for a lawyer to prepare, and at times, travel to a distant jurisdiction and be informed upon arrival that the Court would not sit or the scheduled matter would not proceed.

Finally, to hasten proceedings, we must invest in recording and transcribing equipment for all Courts. I have witnessed that in some Courts, the Judges do not write in longhand; rather, the proceedings are transcribed and also recorded. This plays a big role in saving precious judicial time as the act of writing in longhand unnecessarily wastes a great amount of time. I will ensure that the NBA liaises with the NJC on obtaining professional transcribers and purchasing the required equipment to hasten Court proceedings.

#### *xviii. Promoting a Tech-Savvy Judiciary*

I strongly believe that it is high time we have a tech-savvy judiciary. The administrative process of the Court system is mainly analogue and has not been made digital. It is well recognized that the digitization of our legal system will tremendously assist in the dispensation of justice.

My administration will ensure that we work together with the NJC to create a mobile application that would be used by Judges, Lawyers and Court staff in applying for Court documents and the dissemination of information. In addition, we will push for the full implementation of virtual sittings for a wide spectrum of matters. I believe proceedings can easily be conducted virtually with regards to non-contentious applications and delivery of judgments. It should also be employed in contentious applications when the generality of lawyers become acquainted with the technology and parties consent to it.

#### *xix. Creating a Tech-Savvy NBA*

As pointed out with the judiciary, in a similar vein, my administration will work on creating a mobile application for the NBA where our members will be able to interact with the Bar leadership and apply for all documents that would have been done physically.

#### *xx. Sexual and Gender-Based Violence/ Promotion of Gender Balance*

The unruly trend of workplace abuse and violence has become rampant in not just our society, but the entire world. Due to this, the International Bar Association

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(IBA) commissioned a survey in 2018. According to the survey, one in three female employees had been sexually abused while one in 15 male employees had.

Unfortunately, certain persons in our profession take advantage of their colleagues who are most times younger than them or desirous of some form of assistance from them. As highlighted above, most of the situations concerning abuse pertain to our female colleagues.

As a profession, I do not think we have done enough to combat this ugly trend. My solution to this problem will be to impose stricter sanctions on persons who have in one way or the other, abused a colleague. My firm belief is that the requisite sanction should be the disbarment of any person who sexually abuses a colleague.

Female lawyers must not be discriminated against. To solve this, I will work with the NBA Women's Forum to tackle this issue and make policies to ensure women are given the same opportunities as their male colleagues. On my part, 65% of the workforce at J-K Gadzama LLP are women who carry out some of the best work in the firm.

#### *xxi. Protecting the Interest of Lawyers with Special Needs*

Permit me to say that with every disability, there is an ability. I have noticed that many of our colleagues who fall within this category are usually not catered for. In my office, for example, we have disabled parking, ramps and elevators to make access to our facility easier for lawyers with special needs.

I will work with the various Attorneys-General, the Judiciary and branches of the NBA to provide and improve the facilities for our colleagues with disabilities. Attending Court and legal duties are not expected to be a hassle for persons who may have one disability or the other. I will do my utmost best to ensure Courts and legal venues are adequately equipped with elevators and friendly passages. I will also work closely with the lawyers and provide a listening ear to them in a bid to make access to physical venues easy for our colleagues with disabilities.

#### *xxii. Reforming our Legal Education*

It has become imperative to reform our legal education. Although the legal education of persons seeking to become members of the legal profession is the responsibility of the Council of Legal Education (“CLE”), as the professional body representing all lawyers in Nigeria, we have a collective duty to ensure that the persons called to the Nigerian Bar each year receive the best and most practical training possible.

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It is easily discernible that the standard of the legal profession in Nigeria has depreciated and we must all collectively work together to return the legal profession to its prime position.

My administration will engage the CLE to modernise and reform the legal training that prospective lawyers in Nigeria will receive at the Nigerian Law School (“NLS”). It will be our mission to ensure that students have a better practical experience at the NLS and also learn more about the corporate and transactional side of the practice.

Regarding University education, we will engage the National Universities Commission (“NUC”) to reform the legal education undergone at the Universities. It is essential to teach students modules of importance for the present and the future as opposed to focussing all energy on modules that will have little to no impact on an aspiring lawyer's life.

#### *xxiii. Establishment of a Students’ Wing of the NBA*

I have noticed that students at various Universities are distant from the activities of the NBA. An average student of a law faculty in Nigeria is taught the theory of law without any practical knowledge before proceeding to the Nigerian Law School to learn the procedural aspect of law. The Nigerian Law School and the Externship Programme are too short for students to adequately learn the procedural law.

It is necessary to ensure that these students participate in our Association's activities and are aware of the values of our great Bar. I believe it is necessary to catch them early and ensure that they understand the workings of not just the NBA, but our activities as legal practitioners.

If elected President, I will establish a students’ wing of the NBA that will focus on catching and training students while at the University. This wing will create policies to promote and ensure that law students are involved in activities of the NBA and partake in internships during their holidays in law offices. I am already doing this in my firm.

#### *xxiv. Improving the Earning Potential of Lawyers*

Without a doubt, I am confident that most lawyers will agree with me that our Rules of Professional Conduct for Legal Practitioners deserves a review. Since its promulgation in 2007, it has not been reviewed. There are some restrictions regarding the types of business that a lawyer can venture into that would have to be amended and deleted.

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I have noted that the requirement for the Attorney-General's consent before a legal practitioner may garnishee any government account has negatively impacted the earning capacity of our colleagues. It can be frustrating to obtain judgment in a case and be denied the fruit of all the labour as a result of the requirement to get the consent of the Attorney-General.

If elected, I will work with the Attorney-General and National Assembly to amend this law to enable practitioners to enforce judgments without the consent of the Attorney-General.

Furthermore, there is a current debate as to whether legal practitioners should partake in the sale of land in addition to the drafting of agreements pertaining to the sale. Some people opine that this is against professional ethics while some believe it is not. I understand that this is a burning issue that must be resolved one way or the other. If elected, I will receive opinions from members of our great Bar and decide for the benefit of our members.



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### 3. OUR COUNTRY NIGERIA AND MY PLAN

#### *xxv. Ensuring Electoral Reforms*

The Electoral Act of our Country was recently assented to by the President of the Federal Republic of Nigeria after much delay. The Act brings various changes that will assist in enhancing the elections of our Country.

Despite the assent of this law, numerous issues would be required to be solved. I will ensure that the NBA closely monitors the 2023 election and comes up with proposals on how to improve our country's electioneering process.

#### *xxvi. Promotion of Public Interest Litigation and Lawyering*

I am the Pioneer Chairman of the NBA-Section on Public Interest and Development Law (NBA-SPIDEL) and I am the Pioneer Chairman of the NBA-SARC; thus, I have first-hand experience in matters of public interest as I have spearheaded numerous public interest litigations, investigations and related matters. I was the lead counsel to the NBA when a candidate to an elective office sued the Association about 2 (two) decades ago and I was part of the NBA team headed by Chief Wole Olanipekun SAN that defended the Nigerian Labour Congress then headed by H.E Adams Oshiomole. Recently I have been involved in three public interest matters concerning the Association. I acted as lead consultant to Mr Kolawale Isaac Abubakar, the Legal Practitioner who was brutalized by the Nigeria Customs Service, I am the lead counsel in the NBA legal team set up to handle the Court case on the tenure extension of the then Inspector-General of Police, Mohammed Adamu and I was the lead counsel in the NBA team set up to challenge the dismissal of an unmarried female officer in Ekiti State who became pregnant. Last year, I led the entire NBA including National Officers, SANs, Branch Chairmen and several other colleagues moved on foot from the National Secretariat of the NBA to the National Assembly on a nationwide protest demanding for the autonomy of the judiciary. I am fearless, courageous and I will not be cowed into taking any particular stance when issues present themselves.

The NBA has been regarded by Nigerians as the watchdog of the Country. It is the Association that is expected to uphold the rule of law and condemn any action by the Government or any individual that goes against this principle. In recent times, we have witnessed that the NBA has stood up for the rule of law, the judiciary and the entire nation. I believe that the current administration, the public interest litigation committee and the NBA-SPDIEL must be saluted for this.

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The biggest room, they say, is the room for improvement. On this note, I believe that the NBA can do more in terms of filing more actions in Court and liaising with the relevant government agencies and individuals whenever the need arises.

If elected as President, I will ensure that the NBA continues its prowl as the watchdog of the Country and ensure that whenever the rule of law or its associated principles are threatened, action is taken to stop such an action and remedy the situation.

I want to restate here that my being the Head of the Advisory Board of the Association of Environmental Lawyers of Nigeria (AELN ) is not for showmanship or fluke but my love for the environment and my resolve to tackle along, through the instrumentality of the law, with AELN members and the Bar some of these major environmental challenges facing the Niger Delta people in particular and Nigeria generally. This must be addressed under my watch as NBA President because members of the Bar are not exempted but equally affected and vulnerable to some of these environmental problems majorly caused by anthropogenic activities.

If elected, we shall team up with relevant stakeholders and embark on consultations to address these common environmental issues employing the instrumentality of law and machinery of justice in Nigeria.

#### *xxvii. NBA as a Watchdog*

The Nigerian Bar Association which can be characterized as a Professional Pressure Group will function as a watchdog with true activism under my watch. It is imperative to note that the motto of the NBA is “Promoting the Rule of Law”. A run through of the activities in our government and profession is satisfactorily enough for one not to be proud of the nation and the profession amidst the many cases of breakdown of law and order at the societal level to the professional misconduct amongst members of our noble profession. However, in the spirit of patriotism and in no cockeyed optimism, I am of the firm belief that together with your support we can steer the nation from the iceberg of a failed State. Countless criticisms have been in existence with respect to the perceived lopsidedness of our professional body. The Akpata-led administration has done a good job in reviving the sunken motto of our astute body.

My target is to intensify the effort in this regard and make the NBA a body of repute and an agent of change for our national development as proposed by Roscoe Pound. The NBA will in an active role as a watchdog ensure that the excesses of the Government at all levels are checked.

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I have repeatedly asserted and not to sound like a broken record that *“the lawyer is the five senses of the visible body of the common man: the lawyer is the eye, the mouth, the eardrum, the nose and the receptor of the common man”*.

The above represents the five senses of sight, taste, hearing, smell and touch ascribed to every human being and it is apt to attribute the same to lawyers as the function of the five senses is synonymous with their roles in society. In addition, I have equally said that *“the lawyer is the mouthpiece, the defender, the ambassador of and the giver of hope to the common man”*.

The NBA must act as a genuine watchdog for society. The NBA, as the mouthpiece and watchdog of the society, ought to imbibe the culture of patriotism and refrain from undue pressure, temptations; from colluding or conniving with political and economical saboteurs who in their desperate bid for power and financial control desecrate our laws and cripple our Justice system.

Additionally, a Legislature Liaison Committee both at the National and State Capital branches of the NBA would be established to monitor bills and legislation. This is besides robust amendments of civil procedure rules to facilitate the resolution of commercial disputes.

#### *xxviii. Improving our Legal Aid and the NYSC Scheme*

As lawyers, we are expected and encouraged to take up pro-bono cases to assist the indigent persons in our Country. It is pitiful that many persons are locked up in prisons and kept in detention without being taken to Court. Furthermore, persons who do not have the funds to hire a lawyer are normally left without any assistance in obtaining justice. The paucity of funds on the part of the Legal Aid Council, National Human Rights Commission and other relevant agencies has negatively affected their abilities to provide support to the indigent.

One way of solving this problem would be to get lawyers who can assist in providing free legal services. These days, we have thousands of young lawyers who are undergoing the mandatory NYSC programme but are not doing a considerable amount of work for the Country. Normally, these lawyers while away time at their weekly CDS meetings; whereas, there are better means of utilizing their talents.

I believe that we can utilise their talents by assigning each of these Youth Corps members a case or matter for an indigent person. The youth corps member would thus, not be forced to go and while away time at the CDS meeting every week but would be handling the case pro-bono for the indigent person. If this is done, it would decongest our prison and provide valuable experience to our younger colleagues.

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Regarding the practicability, we will have an arrangement with the Chief Judges of States so that the pro-bono matters that these lawyers would handle would only be fixed on their CDS days. Furthermore, the youth corps members would not be assigned cases involving capital punishment and will mainly be given cases at the Magistrate and other similar Courts to handle. It would be the duty of the Place of Primary Assignment of our younger colleagues to supervise and advise them on what steps to take in Court. Furthermore, the coordinators of the Legal Aid group at the NYSC would be responsible for following the development of each case.



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## C. CONCLUSION

From the moment I became a lawyer, I have given my life to the service of our great Bar. For several decades, as previously stated in this manifesto, I have served the NBA in various capacities, too numerous to mention. I believe that I have a lot to offer the Bar and my Colleagues.

If I were given your mandate, I will bring innovation to the Bar and continue the legacies of Mr Olumide Akpata. I want a Bar that cares for the welfare of its members and performs its role in ensuring that there is sanity in Nigeria. This is why I am delighted at the accomplishments of the Akpata-led administration.

The NBA, at this point more than ever, needs a President that understands the issues affecting the Bar, has an in-depth knowledge of the history of the Bar and possesses the ability to take the Bar into the future. I believe the Bar needs a President that has the integrity and clout as well as cloud to stand up to the government and other relevant stakeholders rather than a person who can be cowed by pressure, intimidation and promises.

I have never been found wanting both in my professional career of law practice and in my personal life. I father 2 (two) lawyers and 2 (two) aspiring lawyers. In addition, I have mentored about 500 (five hundred) lawyers via the Hon. Justice Chukwudifu Oputa Mentoring Scheme and about 500 (five hundred) other lawyers personally. Similarly, I mentor thousands of lawyers who study me and hold me as their mentor.

Above all, my loyalty is to the Constitution of the NBA, the Constitution of the Federal Republic of Nigeria, God the Almighty and to the yearnings of majority of our members.

This is why I present myself to be your President as the *primus inter pares*.

**Joe-Kyari Gadzama, SAN.**

*Feel free to contact me on 08022231999*