

**LEAD DEBATE ON THE LEGAL PRACTITIONERS ACT CAP C11 LFN 2004
(AMENDMENT) BILL, 2017 (SB. 435).**

Sponsor: Senator Godswill Akpabio (*Akaw-Ibom North West*)

Mr. President, I wish to thank you for the opportunity to lead the debate on this very important Bill which was read for the first time in this Chamber on Tuesday, 9th March, 2017.

The Bill seeks to amongst others:

- a. Give powers to the Body of Benchers to create many Disciplinary Committees for lawyers and make it professional misconduct for any lawyer who fails to pay professional or practicing fees to continue to act as a Legal Practitioner.
- b. To also institute a mandatory continuing legal education programme for legal professionals; set up an Institute for Continuing Legal Education and permit the Nigerian Bar Association to issue and renew practicing licences for members who undertake the continuing training ; and lastly
- c. Give legal backing to the one of a stamp and seat by Legal Practitioners.

The Nigerian Bar Association is one of the older professional bodies in Nigeria. The NBA, therefore, needs to take its place as a strong voice for change, reform and development in the society especially in an increasingly globalized world. The Bar is right now ill-equipped in both substance and structure to tackle the various societal problems demanding its attention. The proposed Legal Practitioners' Act (Repeal and Re-enactment) Bill is one step to build the capacity of the Bar to meet its commitments to the nation. The present Legal Practitioners' Act is grossly inadequate to position and regulate the 21st Century Nigerian lawyer. The four major areas are therefore the focus of the proposed Bill.

(i) Discipline and Conduct of the Lawyer.

There has been outcry for some time now against the growing trend of indiscipline among lawyers in the country. Under the present law only one Disciplinary Committee handles all cases of discipline for the bar. Petitions against lawyers are piling and the Committee as currently constituted cannot cope. The proposed Bill will provide a solution to this problem. The Body of

Bencher which is the body that is mandated to discipline erring lawyers will be empowered to set up as many disciplinary committees as the need arises, instead of one for the entire country.

One of the effects of lack of sanctions against erring lawyers is that complaints and society generally lose confidence in the profession and administration of justice, while erring lawyers get more and more brazen. With many disciplinary committees operating at the same time, cases against lawyers will be dispensed within good time. With sanctions following appropriate cases, there will be an in-built deterrent mechanism against malpractices. This will build confidence in the profession and it will be in a better position to assist in the administration of justice, the rule of law and good governance.

(ii) Continuing Legal Education

The public contemplates that lawyers will maintain certain standards of professional competence and knowledge throughout their careers in the practice of law. The mandatory continuing legal education is intended to ensure that lawyers enrolled to practice law in Nigeria remain current regarding the requisite knowledge, skills, standards and values necessary to fulfil the professional responsibilities and obligations of their respective practices and thereby improve the standards of the professions in general.

The Nigerian Bar Association is one of only a few professional bodies in Nigeria, and maybe, the one among all lawyers' professional bodies at the international level that is yet to introduce a mandatory continuing education programme, in spite of the fact that the quality of legal education has been seemingly on the decline. One of the side effects of the lowering standards is that more and more foreign lawyers are being used to execute legal matters in Nigeria, even when over 4,000 lawyers are graduated annually. A mandatory continuing legal education programme would raise standards and build capacity of the Nigerian lawyer not only to adequately handle domestic legal problems but also compete internationally in today's globalized economy.

(iii) Fake Lawyers:

There are too many reported cases of fake lawyers operating in the country today and creating problems for the profession and the citizens who use their services. The primary aim of the introduction of the Stamp and Seal is to regulate the

operation of lawyers and to ensure that only those who are authorized to practice are in fact engaged in rendering services.

(iv) Practicing Fees

Under the existing Act, the Attorney-General of the Federation fixes the practicing fees in conjunction with the Nigeria Bar Association. The proposed Bill seeks to confer the power to fix practicing fees on the Nigeria Bar Association. This is to give the Nigeria Bar Association autonomy to cater for the welfare of its members and regulate its affairs. The Registrar of the Supreme Court to whom the fees are payable will under this Bill be required to pay over all the fees collected to the Nigeria Bar Association on demand as against the position where he pays only nineteenth of what is collected. The rationale is that the practicing fees are the main source of revenue for the association and there is need to give it greater financial autonomy. This Bill also seeks to give the Nigerian Bar Association legal status or personality.

I once again thank you for this opportunity and urge you to support this Bill, which if passed, will strengthen the legal profession in Nigeria; make lawyers more accountable and competitive and bring the profession in line with global best practices in the practice of law.