REDEFINING ADVOCACY IN CONTEMPORARY LEGAL PRACTICE:
A JUDICIAL PERSPECTIVE

BY
Honourable Justice C. C. Nweze, JCA

Nigerian Institute of Advanced Legal Studies

NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

NIALS Newsletter
A publication of the Nigerian Institute of Advanced Legal Studies.
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March 2010

Terrorism in the Aviation Industry:
Fresh Challenges and Legal Imperatives for Best Practices in Nigeria

(L-R): Professor I. A. Ayua, SAN (former D.G. NIALS), Professor Epiphany Azinge, SAN (D.G. NIALS) and Mr. Demola Seriki, Hon. Minister of State for Interior, at the Opening Ceremony of Institute’s Roundtable held on the 19th January, 2010, at the Institute’s Auditorium, University of Lagos Campus, Akoka - Lagos
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VISION STATEMENT
To be the primary source of information, training and advice at the highest level of policy formulation on legal matters, effectively impacting on local and international institutions in the development of law.

MISSION STATEMENT
To be the nucleus and hub of research and advanced studies in law in Nigeria.

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Our Modern compact sewing machine

The Nigerian Institute of Advanced Legal Studies (NIALS) Press was established in 2002. The Press is at the cutting edge of Legal Publishing in Nigeria. It is a unit of the Nigerian Institute of Advanced Legal Studies. It drives the Institute's objective of excellence in proceedings and legal forms and precedents.

The Press offers quality production, excellent editing and proofreading by a faculty of distinguished Professors, Research Fellows and seasoned in-house editors and an unrivalled indexing of publications by technically trained Librarians. NIALS Press is a one stop destination for all publishing services from typing and formatting of the manuscripts to the finished product. We can boldly say “ANY LAW TITLE NOT PUBLISHED BY NIALS PRESS IS NOT WORTH READING”.

NIALS Press with its state of the art facilities, has a diverse publishing programme ranging from books, journals, monographs, conference

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research, scholarship, legal education and information dissemination in Nigeria.

The Production Manager, Mr. J. Idoko (Middle) supervising work in the Pre-Press

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Digitalised Printing Machine

Polar Machine
The Director-General, Prof. E. Azinge, SAN took public, to debate and proffer solutions on issues of national and global security. A stride in his commitment to fulfill the Institute’s mandate in the dissemination of National Security; The Legal Dynamics of Investment in Solid Minerals in Nigeria, and Telecommunication Offices; roundtables that brought together stakeholders and the general public, to debate and proffer solutions on issues of national and global security.

These roundtables would take a better part of the first quarter of the year, and will deal with issues cutting across all spheres of life. They include: Evaluation of Judicial Performance and Integrity since 1999; Frontloading: Challenges and the Implications for Speedy Dispensation of Justice; Revisiting Victims Based Criminal; Kidnapping and Abduction: Challenges for National Security; The Legal Dynamics of Investment in Solid Minerals in Nigeria, and Telecommunication Offices: Unveiling of Borderless Criminality.

At the end of each roundtable, a communiqué will be issued.
Communique

**NIALS FELLOW S LECTURES**

1. The Constitution of Federal Capital Territory, Abuja
3. Corruption in the Civil Service of Nigeria: A Nation's Albatross

**JOURNALS**

1. T. Ajinola Aguda (1985)
2. I.A. Ayau (2002)
3. A. Adu (1992)
4. Prof. A. Ajomo (1984)
5. T. Ajinola Aguda (1985)
6. A. Adu (1992)
7. I.A. Ayau (1994)
10. D.A. Guobadia & Prof. A. Adekunle (1997)

**JUSTICE A.G. KARIBY-VOLOU CONVICTION LECTURE SERIES**

**JUSTICE A.G. KARIBY-VOLOU CONVICTION LECTURE SERIES**

1. Judgment and Writing: Law Making

Publications

**NIALS FELLOW S LECTURES**

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3. Corruption in the Civil Service of Nigeria: A Nation's Albatross

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10. D.A. Guobadia & Prof. A. Adekunle (1997)

**JUSTICE A.G. KARIBY-VOLOU CONVICTION LECTURE SERIES**

1. Judgment and Writing: Law Making
The Director-General Prof. E. Azinge, SAN delivering his welcome address

The Director of Research Prof. B. Owasanoye, making his own speech at the Roundtable

Hon. Minister of State for Interior Mr. Demola Seriki giving his speech

Chief Awa Kalu (SAN) delivers his contributions at the Roundtable

Prof. I. A. Ayua, SAN (L) with the D.G. Prof. E. Azinge SAN in a heart to heart chat at the Roundtable

Hon. Minister of State for Interior, Mr. Demola Demola Seriki (M) with Immigration Officers at the Roundtable.
The D.G. Prof. E. Azinge, SAN answering a reporter’s questions.

Lagos State Commissioner of Police, Marvel Akpoyibo (L) and Professor Femi Odekunle at the Roundtable.

Prof. I. A. Ayua, SAN, (former D.G, NIALS) in a discussion with one of the guests before the Roundtable.

Mrs. R. I. Njukama, giving her speech.

A cross section of NIALS staff and guests at the Roundtable.
Training and Workshops

- **NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES**
  - **2010 PROGRAMMES OF ADVANCED LEGAL STUDIES**
  - **COURSES AND WORKSHOPS**

<table>
<thead>
<tr>
<th>COURSE TITLE</th>
<th>DATE</th>
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<tr>
<td>1. National Law</td>
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<td>2. Lexicometric Trends in Legal Language: Foundations, Methodology, and Analysis</td>
<td>March 22nd - 24th 2010</td>
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<td>4. Nigerian Law</td>
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<td>6. National Law</td>
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<td>15. National Law</td>
<td>July 19th - 21st 2010</td>
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<td>July 26th - 28th 2010</td>
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Publications

- **TASLIM ELIAS MEMORIAL LECTURE SERIES**
  - The World Court Image, Mission and Mandate
  - Thoughts on Human Rights Norms Via a Vis A the Court and Justice: An African Court or Domestic Court
  - International Humanitarian Law and Inter-State Conflicts
  - Balancing National Security and Human Rights

- **FELIX OKOYE MEMORIAL LECTURE SERIES**
  - Some Aspects of International Law Considered in Relation to Apartheid, Racism and Racial Discrimination
  - Visions: Dreams And Illusions In The Perspective Of Justice, International Peace and Security
  - International Re-Orientation and The Emerging Global Gropunth: Nigeria's Role

- **CHIKE CHIGBUE LECTURE SERIES**
  - Redefining Advocacy in Contemporary Legal Practice: A Judicial Perspective
Call for Papers

The Nigerian Institute of Advanced Legal Studies is making a call for submission of unpublished, innovative and original articles from the academia, Bar, Bench, legal practitioners in both private and public sector, including intergovernmental and non governmental organisations to the above listed Journals. The Institute also welcomes notes on recent developments, case law review and commentaries. Articles are accepted twice a year. Manuscripts should be submitted in British English, with both text and footnote typed and double spaced. Authors should also submit an abstract of not more than 200 words, enclosing a cover letter and resume. Submissions should include: email addresses and phone numbers. Articles submitted to the Editor in Chief must not have been published, submitted or accepted elsewhere. Request style guidelines by email from nialsabj@hotmail.com

LAGOS OFFICE:
University of Lagos Campus,
P. M. B. 12820,
Akoja-Lagos.

ABUJA OFFICE:
Supreme Court of Nigeria Complex,
Three Arms Zone,
P. M. B. 385,Garki-Abuja.
the year ended on a thankful note for the family of Mr. Peter John Etuh, for on this 14th day of February, 2010, God blessed them with twin, a boy and a girl - Praise


T NIALS staff wishes all the new born babies and their families Valentine's Day will always be a day of double celebration for long life and God's protection.

CREATION OF A BUDGET OFFICE

This is to inform all staff that a new office - the BUDGET UNIT has been created in the Institute as part of the ongoing measures aimed at bringing about efficiency in service delivery by the Management. The unit which is located in the Abuja office is headed by a Chief Accountant, Mr. John Yawe and has since commenced full operation. The unit is under the supervision of the Bursar. Staff are therefore requested to fully cooperate with the new unit in the Management’s quest for to move the Institute to the next level.

NEW BABIES IN THE INSTITUTE

The year ended on a thankful note for the family of Mr. and Mrs. Iyahen as a beautiful baby boy was born to the family on the 9th December, 2009. The baby is christened Jason Iyahen.

Valentine’s Day will always be a day of double celebration for

Mr. and Mrs. Peter John Etuh, for on this 14th day of February, 2010, God blessed them with twin, a boy and a girl - Praise Umolaojo Olive and Peace Ubolaojo Olivia John.

NIALS staff wishes all the new born babies and their families long life and God’s protection.
COMMUNIQUE

The need for a judicious and objective performance evaluation of the judiciary is unarguable. This is particularly necessary as it allows for the promotion or retention of the best judges, as well as the reduction of any form of corruption or inefficiency. The need is of utmost importance in the context of the performance index of the Nigerian Judiciary under the Chief Justice of the Federation.

PHOTO NEWS

(L-R) Hon. Justice Candide Johnson, Aliyu Salman, SAN, Justice Onoghen, JSC and the D.G. Prof. E. Azinge, SAN

The D.G. giving his welcome address

Hon. Justice Onoghen, JSC a representative of the CJN delivering his address

Aliyu Salman delivering a speech

A cross section of Institute Staff

A cross section of guests

Some Research Fellows taking notes at the Roundtable

Prof. E. Azinge, SAN answering questions from a reporter
COMMUNIQUE

INTRODUCTION

Prof. E. Azinge, SAN, the D. G. gives a welcome address

Nigerian Institute of Advanced Legal Studies (NIALS) concluded its mandate as Nigeria’s foremost legal think tank and resource organization on 18th February 2010, as one day Roundtable on “Frontloading—Challenges and Implications for Speedy Dispensation of Justice.” The Roundtable was organized under the auspices of the Absolute analogue Centre for Legal Education and Legal Reform of the Institute. The Roundtable was attended by members of the Institute, Lagos State, Federal Government, Chief Justice of Lagos, Supreme Court of Lagos, Ministry of Justice and members of the bar and other experts. The sub-themes discussed concerned aspects of the concept of frontloading, monitoring and evaluation mechanisms, challenges and the respective roles of the bench and the bar, adaptation to session proceedings, as well as mechanisms for ensuring the protection of witnesses. The panel of discussants, led by Justice E. Azinge of the Court of Appeal and distinguished Bar Advocates of Nigeria. The Chief Justice of Lagos, Hon. Justice Oluwatoyin Ogunjobi, who was represented by Hon. Justice Wasiu Olatunbosun, while the President of the Court of Appeal was represented by Hon. Justice R.C. Adegbesan, the President of the Lagos Bar Association, and the Court of Appeal. The session was moderated by a former member of the Council of the Institute, Mr. Akin Ojumuyi, SAN.

OBSERVATIONS

The Roundtable made the following observations:

1. While noting that the theme of the Roundtable was of current relevance, apart from procedural issues the basis of delay in the dispensation of justice is also attributable to administrative issues, such as limited transfer of judicial officers, delays in the preparation of records of appeal by the registry and judicial scrutiny over conditions of service of administrative staff.

2. Lagos State has no dedicated facility in the administration and the near rules and there is no doubt that progress has been made in terms of speedy dispensation of justice and the setting out of previous matters. After five years of the rules there is need for a review of the efficiency of administration. It was noted that Lagos has commenced the process for the evaluation and review of the Rules.

3. The Rules on frontloading and other reforms must be underpinned in the context of an overarching concern to forge greater efficiency and a speedy dispensation of justice.

4. In order to achieve frontloading, there is need to improve human resources component and training and infrastructure which will aid in speeding dispensation of justice.

5. Frontloading and Physical Conference mechanisms together with frontloader introduced in the rules are designed to facilitate efficient case handling and case management, with the deployment of adequate information technology (IT). Information technology must, ideally, improve efficiency and accountability in the administration of justice.

6. Although there is substantial similarity between the state rules there are no uniform rules on frontloading and Pre-Trial Conference and therefore there is need for uniformity in the general application of appellate decisions in the respective jurisdictions.

7. On timelines in the rules, the absence of the discretion of judges to consider the circumstances, applications and written addresses prior to the expiration of the period provided by the rules even when the parties are ready does not make for speedy dispensation of justice.

8. In relation to the Federal High Court Act which states that the rules do not make provision for further or similar address on a point after the argument, the Pre-Trial Conference may not be effective in speeding up dispensation of justice, its effectiveness depends largely on the making of the Pre-Trial Conference Judge to effectively manage the case, with a view to resolving into the settlement of the case rather than dragging down the proceedings.

9. While frontloading requires strict case management by the Pre-Trial Conference Judge to have in Lagos state a case manager who can descend into the arena without bias with a view to identifying the core issues in dispute and getting the parties to settle.

10. The frontloading rules under the Federal High Court Rules have not sufficiently provided judges with discretion to permit further written addresses.

11. It does not appear that legal practitioners are willing to fail the correctness of decisions or rulings based on the rules. There is need for guidance on the rules and their application.

12. Further refining time taking is redundancy and efficiency to the proceedings and the court and the parties to weigh the respective strengths and weaknesses of other case.

13. Frontloading gives the parties the opportunity to engage alternative dispute resolution mechanisms. However, although most of parties to ADR mechanism and the course of case management may be seen as resulting in shorter time hearing, the court has a primary obligation under the act of ensuring speedy dispensation of justice.

RECOMMENDATIONS

All in the mind of the Roundtable the following recommendations were made:

1. Written addresses are necessary for motions and it is recommended that the same procedure used.

2. There is need to further review the Evidence Act in order to bring aspects of Front loading such as the nature and effect of written depositions as Pre-Trial Conference in conformity with the provisions of the Evidence Act.

3. The Committee of Legal Practitioners under the Lagos State Rules rules should take up the challenge of revising the rules for a reform of the rules.

4. There is need for continuing legal education for members of the bar and bench on various aspects of the new rules and alternative dispute resolution mechanisms.

5. The commitment of legal practitioners can no longer be taken for granted as the new rules encourage professionalism. There is need for continuous training in the administration of the new rules and the management of dispute resolution mechanisms.

6. In view of the observance of the Evidence Act, NIALS should advise the National Assembly to adapt the recommendations and issues raised in the Roundtable in the ongoing process of reviewing the Act.

7. Practice directions and rules must be in conformity with the provisions of substantive legislation. Notably depositions by witnesses must be drastically reduced.

8. In view of the absence of the discretion of judges to consider matters, particularly written addresses, in the dispensation of justice provided by the rules, it is recommended that judges be given discretion to consider matters beyond the rules.

9. It is on the recommendation of this Roundtable that the NIALS Institute should convene a short course on the Pre-Trial Conference and the primary purpose of the Roundtable.

Mr. Maryam Uwais as she explains a point at the Roundtable

Prof. Alemika at the Roundtable

Mrs. Maryam Uwais as她 explains a point at the Roundtable

Chief Akin Ojumuyi, SAN former Attorney-General of the Federation and Minister of Justice at the Roundtable.

The D. G., Prof. E. Azinge, SAN gives a welcome address

Omonuwa, SAN, a former Commissioner for Justice and Attorney-General of Edo State, makes his own remarks

Mrs. orathy Ufor, SAN explaining herself at the Roundtable
Photo News Invitations

(L-R) the Institute Librarian, Mr. T. O. Dada and Institute Secretary Mr. J. Bathnna at the Roundtable

Prof. B. Owasanoye and Judge B. B. Kuryip in a chat at the Roundtable

Chief Mrs. Rita Garuba giving her contribution

(L-R) Dorothy Ufor, SAN, D. G. and Prof. Kazeem SAN

A cross section of Staff and guest at the Roundtable

Time for relaxation, after the Roundtable

The Director General, Professor Epiphany Azinge, SAN
On behalf of the Governing Council and Management of the
Nigerian Institute of Advanced Legal Studies
Cordially invites you to the
2010 FOUNDERS’ DAY LECTURE
Titled
Review Of The Right To Communicate: International Telecommunications Development Under Trend Of Universal Recognition
To be delivered by Professor Chun Hung Lin SJD, LLM, LLB, Visiting Research Fellow, Lauterpatch Centre for International Law, University of Cambridge
Under the Distinguished Chairmanship of Senator Ike Ekweremadu, CON
Deputy Senate President
Special Guest of Honour
Prince Adetokunbo Kayode, SAN
Hon. Attorney-General of the Federation and Minister of Justice
Date: Wednesday March 17, 2010
Venue: Nicon Luxury, Abuja
Time: 11:00am
R.S.V.P
Godwin Adalikwu - 08035877732
Alemye Iyahen - 08050835293

The Director General, Professor Epiphany Azinge, SAN
On behalf of the Governing Council and Management of the
Nigerian Institute of Advanced Legal Studies
Cordially invites you to
A DINNER PARTY
Under the Distinguished Chairmanship of Honourable Justice A. I. Katsina-Alu, CON
Chief Justice of Nigeria and Former Chairman of Council, NIALS
Special Guest of Honour
Prince Adetokunbo Kayode, SAN
Hon. Attorney-General of the Federation and Minister of Justice
Date: 21st April, 2010
Venue: Congress Hall, Transcorp Hilton, Abuja
Time: 7:00pm Prompt
R. S. V. P
Godwin Adalikwu  R. S. V. P  Alemye Iyahen
Tel: 07058355744  Tel: 07065549115
08035877732 08050835293

The Director General, Professor Epiphany Azinge, SAN
On behalf of the Governing Council and Management of the
Nigerian Institute of Advanced Legal Studies
Cordially invites you to
Induction of Hon. Justice P. N. Bhagwati
(Former Chief Justice of India)
Into NIALS HALL OF FAME
Public Lecture Titled:
“PUBLIC INTEREST LITIGATION”
by Hon. Justice P. N. Bhagwati
Presentation of Institute Latest Research Work:
JUSTICIABILITY AND CONSTITUTIONALISM: ECONOMIC ANALYSIS OF LAW
Under the Distinguished Chairmanship of Honourable Justice A. I. Katsina-Alu, CON
Chief Justice of Nigeria
Special Guest of Honour
Prince Adetokunbo Kayode, SAN
Hon. Attorney-General of the Federation and Minister of Justice
Date: 21st April, 2010
Venue: Congress Hall, Transcorp Hilton, Abuja
Time: 11:00am Prompt
R. S. V. P
Godwin Adalikwu  R. S. V. P  Alemye Iyahen
Tel: 07058355744  Tel: 07065549115
08035877732 08050835293

Invasion