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The Legal Practitioners Decree 1975
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RULES OF PROFESSIONAL CONDUCT IN THE LEGAL PROFESSION

(Made by the General Council of the Bar at its General Meeting in Lagos on the 25th of December 1967 and amended by the meeting of the Council held in Lagos on the 15th of January 1979).

It is hereby notified for general information that the General Council of the Bar (hereafter referred to as "the Bar Council"), in furtherance of the aims and objects of the Nigerian Bar Association under the constitution of the association as referred to in section 1 of the Legal Practitioners Decree 1975 and for the maintenance of the highest standards of professional conduct, etiquette and discipline in terms of that constitution, has made the rules of professional conduct in the legal profession as set out hereunder :—

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1. THE DUTY OF THE LAWYER TO THE COURT

(a) It is the duty of the lawyer to maintain towards the Court respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamour. Whenever there is proper ground for serious complaint of a judicial officer, it is the right and duty of the lawyer to submit this grievance to the proper authorities. In such cases, but not otherwise, such charges should be encouraged and the person making them should be protected.

(b) A lawyer should be punctual in all court appearances, and whenever possible, should give prompt notice to the court and to all other counsel in the case of any circumstances requiring his tardiness or absence.

(c) A lawyer should make every reasonable effort to prepare himself fully prior to court appearances. He should promptly inform the court of any settlement, whether partial or entire, with any party, or the discontinuance of any issue.

(d) A lawyer should see to it that all depositions and other documents required to be filed are filed promptly, should stipulate in advance with opposing counsel all non-controverted facts, should give the opposing counsel, on reasonable request, an opportunity in advance to inspect all evidence of which the law permits inspection, and, in general, should do everything possible to avoid delays and to expedite the trial.

2. RELATIONS WITH THE JUDGES

A lawyer should never show marked attention or unusual hospitality to a judge, uncalled for by the personal relations of the parties. He should avoid anything calculated to gain or having the appearance of gaining special personal consideration or favour from a judge.

3. CONDUCT TOWARDS JUDGES DURING TRIAL

(a) During the trial, the lawyer should always display a dignified and respectful attitude towards judge presiding, not for the sake of his person, but for the maintenance of respect for and confidence in the judicial office. It is both the right and duty of the lawyer fully and properly to present his client's case and to insist on an opportunity to do so. He should vigorously present all proper arguments against any ruling he deems erroneous and should see to it that a complete and accurate case record is made. In this regard, he should not be deterred by any fear of judicial displeasure or even punishment. In no circumstances should the lawyer reveal the confidences of his client.

(b) Save where the opposing lawyer fails or refuses to attend and the judge is advised of the circumstances, a lawyer should not discuss a pending case with any judge trying the case, unless the opposing lawyer is present.

(c) Except as provided by rule or order of court, a lawyer should never deliver to the judge any letter, memorandum, brief or other written communication without concurrently delivering a copy to opposing counsel.

(d) A lawyer ought not to engage in the exchange of banter personalities, argument or controversy with opposing counsel. His objections, requests and observations should in every case be addressed to the judge presiding.

(e) Subject to the foregoing, a lawyer may submit to the judge any reason for expediting or delaying the decision.

4. CANDOUR AND FAIRNESS

(a) The conduct of the lawyer before the court and with other lawyers should be characterized by candour and fairness; and the lawyer should in court inform the presiding judge of subsisting decided cases even where the decision is against his client. The lawyer is however entitled to distinguish any such case.

(b) It is not candid or fair for the lawyer knowingly to misquote the contents of a paper, the testimony of a witness, the language or the argument of opposing counsel, or the language of a decision or a textbook; or with knowledge of its invalidity, to cite as authority, a decision that has been overruled, or a statute that has been repealed; or in argument to insert as a fact that which has not been proved, or in those jurisdictions where a side has the opening and closing arguments, to mislead his opponent by concealing or withholding in his opening argument positions upon which his side intends to rely.

(c) It is unprofessional and dishonourable to deal other than candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes.

(d) A lawyer should not offer evidence which he knows the court should reject, in order to get the same before the jury by argument for its admissibility; nor should he address to the Judge arguments upon any point not properly calling for determination by him. A lawyer should not in any argument addressed to the Court introduce inadmissible remarks or statements likely to influence the jury or bystanders.

(e) A member of the Bar should not promote a case which to his own knowledge is false, nor should he file a pleading or other document which he knows to be false in whole or in part, or which is intended to delay the trial.

(f) The matters mentioned in paragraphs (b) to (e) above are unprofessional and unworthy of an officer of the law charged; as is the lawyer, with the duty of aiding in the administration of justice.

5. ATTITUDE TOWARDS CERTAIN TRIBUNALS

Tribunals are complementary to our judicial system. They operate in the context where the use of court would not be considered appropriate. Where a judicial officer is presiding, he should be accorded respect befitting his judicial office. If a non-judicial officer is presiding, a lawyer must prosecute his case in a language and manner to suit the tribunal with no high sounding legal language. The tribunal should be treated with courtesy and respect.

6. COURTROOM DECORUM

(a) A lawyer should rise when addressing, or being addressed by, the judge.

(b) While the court is in session a lawyer should not assume an undignified posture, and should not, without the judge's permission, remove his wig and gown in the courtroom. He should always be attired in a proper and dignified manner and abstain from any apparel or ornament calculated to attract attention to himself.

7. EMPLOYMENT IN CRIMINAL CASES

(a) Every person accused of crime has a right to a fair trial, including persons whose conduct, reputation or alleged violations may be the subject of public unpopularity or clamour. This places a duty of service on the legal profession and, where particular employment is declined the refusal of the brief or to undertake a defence may not be justified merely on account of belief in the guilt of the accused, or repugnance towards him or to the crime or offence as charged.

(b) Any member of the Bar who accepts a brief for the defence in a murder trial shall be deemed to have given a solemn undertaking that he will personally conduct the defence provided fee is paid.

8. COUNSEL FOR AN INDIGENT PRISONER

A lawyer assigned as counsel for an indigent prisoner ought not to ask to be excused for any trivial reason, and should always exert his best efforts in his behalf.

9. CONDUCT OF CRIMINAL CASES

(a) It is the right of the lawyer to undertake the defence of a person accused of crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defence. The lawyer is bound, by all fair and honourable means to present every defence that the law of the land permits, to the end that no person may be deprived of life or liberty, but by the due process of law.

(b) A confidential disclosure of guilt alone does not require a withdrawal from the case. However, after a confidential disclosure of facts clearly and credibly showing guilt, the lawyer should not present any evidence inconsistent with those facts. He should never offer testimony which he knows to be false.

(c) The crime charged should not be attributed to another identifiable person unless evidence introduced or inferences warranted therefrom raise at least a reasonable suspicion of that person's probable guilt.

(d) The primary duty of a lawyer engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the secreting of witnesses capable of establishing the innocence of the accused is unethical and savours of unprofessional conduct.

10. ADVERSE INFLUENCES AND CONFLICTING INTERESTS

(a) It is the duty of a lawyer at the time of retainer to disclose to the client all the circumstances of his relations to the parties, and any interest in or connection with controversy which might influence the client in the selection of counsel.

(b) It is unprofessional conduct to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this rule, a lawyer represents conflicting interests when in respect of one client for whom he presently contends the interests of that client touch or concern confidences of another client to whom the lawyer, at the same time, owes a duty of service.

11. PROFESSIONAL COLLEAGUES AND CONFLICTS OF OPINION

(a) A client's proffer of assistance of additional counsel should not be regarded as evidence of want of confidence, but the matter should be left to the determination of the client. A lawyer should decline association as colleague if it is objectionable to the original counsel, but if the lawyer first retained is relieved, another may come into the case.

(b) When lawyers jointly associated in a cause cannot agree as to any matter vital to the interest of the client, the conflict of opinion should be frankly stated to the client for his determination. His decision should be accepted unless nature of the differences makes it impracticable for the lawyer whose judgment has been overruled to co-operate effectively.

In this event it is his duty to ask the client to relieve him of his employment.

(c) Efforts, direct or indirect, in any way to encroach upon the professional employment of another lawyer, are unworthy of those who should be brethren at the Bar; but, nevertheless, it is the right of any lawyer, without fear or favour, in general to give proper advice to those seeking relief against unfaithful, neglectful, or dilatory counsel, after communication with the lawyer of whom the complaint is made.

(d) A member of the Bar who hands over his brief to another must make every endeavour to ensure that the brief is handed over in reasonable time for his colleague to acquire a grasp of the case.

(e) When a member of the Bar is aware that a person is already represented by another member of the Bar in a particular matter he shall not have any dealings with that person in the same matter without giving prior notice to the other member of the Bar. The member of the Bar accepting instructions in such circumstance shall use his best endeavours to ensure that all the fees due to the other member of the Bar in the matter are paid.

12. ADVISING UPON THE MERITS OF A CLIENT'S CAUSE

A lawyer should endeavour to obtain full knowledge of his client's cause before advising thereon, and he is bound to give a candid opinion of the merits and probable result of pending or contemplating litigation. The miscarriages to which justice is subject, by reason of surprises and disappointments in evidence and witnesses, and through mistakes of juries and errors of Courts, even though only occasional, admonish lawyers to beware of bold and confident assurance to clients, especially where the employment may depend upon such assurance, whenever the controversy will admit of fair settlement, the client should be advised to avoid or end the litigation.

13. NEGOTIATIONS WITH OPPOSITE PARTY

A lawyer should not in any way communicate upon the subject of controversy with a party represented by counsel; much less should he undertake to negotiate or compromise the matter with him, but should deal only with his counsel. It is incumbent upon the lawyer most particularly to avoid everything that may tend to mislead a party not represented by counsel, and he should not undertake to advise him as to the law.

14. HOW FAR A LAWYER MAY GO IN SUPPORTING A CLIENT'S CAUSE

(a) Nothing operates more certainly to create or to foster popular prejudice against lawyers as a class, and to deprive the profession of that full measure of public esteem and confidence which belongs to the proper discharge of its duties that does the false claim, often set up by the unscrupulous in defence of questionable transactions, that it is the duty of the lawyer to do whatever may enable him to succeed in winning his client's cause.

(b) A lawyer should not assert in argument his personal belief in the integrity of his client or of his witnesses or in the justice of his cause, as distinct from a fair analysis of the evidence touching those matters.

(c) The lawyer owes entire devotion to the interest of his client, warm zeal in the maintenance and defence of the client's rights and exertion of his utmost learning and ability, to the end that nothing be taken or be withheld from him, save by the rules of law legally applied. No fear of judicial disfavour or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of every remedy and defence that is authorised by the law of the land, and he is also entitled to expect his lawyer to assert every such remedy or defence. It must however be borne in mind that the great trust of the lawyer is to be performed within and not without the bounds of the law. The office of a lawyer does not permit, much less does it demand of him for any client, violation of law or any manner of fraud or chicanery. He must obey his own conscience and not that of his client.

15. RESTRAINING CLIENTS FROM IMPROPRIETIES

A lawyer should use his best efforts to restrain and to prevent his client from doing those things which the lawyer himself ought not to do particularly with reference to the client's conduct towards courts, judicial officers, juniors, witness and suitors. If a client persists in his action or conduct his lawyer should terminate their relations.

16. ILL-FEELING BETWEEN ADVOCATES

(a) Clients, not lawyers, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence counsel in their conduct and demeanour toward each other or toward suitors in the case.

(b) A lawyer should adhere strictly to all express promises to and agreements with opposing counsel, whether oral or in writing, and should adhere in good faith to all agreements implied by the circumstances or by local custom. When he knows the identity of a lawyer representing an opposing party. He should not take advantage of the lawyer by causing any default or dismissal to be entered without first inquiring about the opposing lawyers intention to proceed. All personalities between counsel should be scrupulously avoided. In the trial of a cause it is unethical to allude to the personal colloquies between counsel which cause delay and promote unseemly wrangling should also be carefully avoided.

17. TECHNICAL ADVANTAGE OVER COUNSEL AND ENFORCEMENT OF AGREEMENTS

A lawyer should not ignore known customs or practice of the Bar or of a particular Court even when the law permits, without giving timely notice to the opposing counsel. As far as possible, important agreements, affecting the rights of clients, should be reduced to writing; but it is dishonourable to avoid performance of an agreement fairly made, merely because it is not reduced to writing as required by rules of Court.

18. RIGHT OF LAWYER TO CONTROL THE INCIDENTS OF THE TRIAL

(a) The lawyer is to be judge of incidental matters not affecting the merits or operating to prejudice substantially the rights of his client; and his client has no right to demand that his lawyer do or refrain from doing anything repugnant to his lawyer's sense of honour or propriety. In matters not directly affecting the merits or operating to prejudice the rights of the client his lawyer may, to the exclusion of his client, determine the accommodations to be granted to opposing counsel.

(b) For the purpose of paragraph (a) above, the expression "incidental matter" embraces matters such as fixing opposing counsel to trial while the latter is afflicted in any way or bereaved, the fixing of trial on a particular day inconvenient to opposing counsel, or applying for or resisting adjournment without reasonable cause.

19. LAWYER AS WITNESS FOR CLIENTS

When a lawyer knows, prior to trial, that he will be a necessary witness, except as to a merely formal matters such as identification or custody of a document or the like, neither he nor his firm should conduct the trial. If during the trial, he discovers that the ends of justice require his testimony, he should, from that point on, if feasible and not prejudicial to his client's case, leave further conduct of the trial to other counsel. If circumstances do not permit withdrawal from the conduct of the trial, the lawyer should not argue the credibility of his own testimony.

20. INVESTIGATION OF FACTS AND PRODUCTION OF WITNESSES, ETC.

(a) A lawyer should thoroughly investigate and marshal the facts. Subject to the rule dealing with communications with the opposite party, he may properly interview any witness or prospective witness for the opposing side in any civil or criminal action without the consent of the opposing counsel or party. He should avoid any suggestion calculated to induce any witness to suppress evidence or deviate from the truth. He should avoid taking any action calculated to secrete a witness. However, except when legally required, it is not his duty to take affirmative action to disclose any evidence or the identity of any witness.

(b) A lawyer should not participate in a bargain with a witness either by contingent fee or otherwise as condition of his giving evidence, but this does not preclude the payment of reasonable and non-contingent compensation for actual loss of time and expenses of persons who cannot afford to attend or will not appear and testify for the statutory fees; nor does it preclude payment of non-contingent fees to expert witness.

(c) A lawyer may advertise for witnesses to a particular event or transaction but not for witnesses to testify to a particular version thereof.

(d) A lawyer should never be unfair or abusive or inconsiderate to adverse witnesses or opposing litigants, or ask any questions intended only to insult or degrade the witness. He should never yield, in these matters, to suggestions or demands of his client or allow any malvolence or prejudice of the client to influence his action.

21. UPHOLDING THE HONOUR OF THE PROFESSION

Lawyers should expose without fear or favour before the proper tribunals corrupt or dishonest conduct in the profession and should accept without hesitation employment against a member of the Bar who has wronged his client. The counsel upon the trial of a cause in which perjury has been committed owes it to the knowledge of the prosecuting authorities. The lawyer should aid in guarding the Bar against the admission to the profession of candidates who are unsuitable by reason of their moral character or insufficient qualification. The lawyer should strive at all times not only to uphold the honour and to maintain the dignity of the profession but also to improve the law and the administration of justice.

22. JUSTIFIABLE AND UNJUSTIFIABLE LITIGATIONS

The lawyer must decline to conduct a civil cause or to make a defence when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. Otherwise it is his right, and, having accepted a retainer, it then becomes his duty to insist upon the judgment of the Court as to the legal merits of his client's claim. His appearance in Court should be deemed equivalent to an assertion on his honour that in his opinion his client's case is one proper for judicial determination.

23. RESPONSIBILITY FOR LITIGATION

Counsel is bound to accept any brief in the Courts in which he professes to practise at a proper professional fee dependent on the length and difficulty of the case, but special circumstances may justify his refusal, at his discretion, to accept a particular brief. Every lawyer upon his own responsibility must decide what causes he will bring into Court for plaintiffs and what cases he will contest in Court for defendants. His is the responsibility for advising as to questionable transactions, for bringing questionable suits and for arguing questionable defences. He cannot escape it by arguing as an excuse that he is only following his client's instructions.

24. THE LAWYER'S DUTY IN ITS ANALYSIS

Lawyers are in duty bound to uphold the law ; and no service or advice ought to be rendered or given by them to clients corporate or individual, of any description or to any cause whatever involving disloyalty to the law or bringing disrespect upon the holder of any judicial office or involving corruption of holders of any public office. Improper service or advice in such circumstances as aforesaid is unethical and merits strong condemnation as unprofessional conduct. On the other hand, service or advice rendered or given which impresses clients with the fact that the service or advice not only accords with the letter of the law but embraces moral principle cannot be too highly commended. He must also observe and advise his client to observe the statute law, save that until a statute has been construed and interpreted by competent adjudication, he is free and is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. Above all, a lawyer finds his highest honour in a deserved reputation for fidelity to private trust and to public duty, as an honest man and as a patriotic and loyal citizen.

25. INSTIGATING LITIGATION EITHER DIRECTLY OR THROUGH AGENTS, ETC.

(a) It is unprofessional conduct for a lawyer to proffer advice to bring a lawsuit, except in rare cases where ties of blood, relationship or trust may render it necessary. Fomenting strife or instigating litigation is unprofessional conduct.

(b) Other objectionable matters to be avoided by lawyers include—

- (i) searching of land titles for defects with a view to employment in litigation ;
- (ii) seeking out claimants in respect of personal injuries and other causes of action as possible clients ;
- (iii) engaging agents and others to follow up on accidents with a view to employment in a legal capacity by next-of-kin and others ;
- (iv) offering rewards to persons likely by reason of their own employment to be able to influence legal work in favour of a particular lawyer.

It is in the interest of the profession generally that any such cases should be reported to the Bar Council for disciplinary action.

26. CONFIDENCE OF A CLIENT

(a) It is the duty of a lawyer to preserve his client's confidences. This duty outlasts the lawyer's employment, and it extends as well to his employees ; and none of them should accept employment which involves or may involve the disclosure or use of these confidences, either for the private advantage of the lawyer or his employees or to the disadvantage of the client, without the client's knowledge and consent, and even though there are other available sources of such information. A lawyer should not continue employment when he discovers that this obligation prevents the performance of his full duty to his former or to his new client.

(b) If a lawyer is accused by his client, he is not precluded from disclosing the truth in respect to the accusation. The announced intention of a client to commit a crime is not included within the confidences which he is bound to respect. He may properly make such disclosures as may be necessary to prevent the act or protect those against whom it is threatened.

27. NEWSPAPER COMMENT ON PENDING LITIGATION, ETC.

Newspaper comment by a lawyer on pending or anticipated litigation may interfere with a fair trial in the Courts and otherwise prejudice the due administration of justice. It is to be avoided save in exceptional circumstances. A particular case may possibly justify a statement to the public, but it is unprofessional to make it anonymously. An *ex parte* reference to the facts should not go beyond quotation from the records and papers on file in the Court, and is better avoided entirely.

28. DISCOVERY OF IMPOSITION AND DECEPTION

When a lawyer discovers that some fraud or deception has been practised to the detriment of the Court or a party, he should make every effort to rectify it; at first by advising his client, and if his client refuses to forego the advantage thus unjustly gained, he should promptly inform the injured person or his counsel, so that they may take appropriate steps.

29. WITHDRAWAL FROM EMPLOYMENT

The right of a lawyer to withdraw from employment, once assumed, arises only from good cause. Even the desire or consent of the client is not always sufficient. The lawyer should not throw up the unfinished task to the detriment of his client, except for reasons of honour or self-respect. If the client insists upon an unjust or immoral course in the conduct of his case, or if he persists over the lawyer's remonstrance in presenting frivolous defences, or if he deliberately disregards an agreement or obligation as to fees or expenses, the lawyer may be warranted in withdrawing on due notice to the client, allowing him time to employ another lawyer, so also when a lawyer discovers that his client has no case and the client is determined to continue it; or even if the lawyer finds himself incapable of conducting the case effectively. Other instances as they arise may justify withdrawal. Upon withdrawing from a case after a retainer has been paid, the lawyer should refund such part of the retainer as has not been clearly earned.

30. ENGAGING IN BUSINESS

(a) A private legal practitioner is not allowed to practise at the Bar simultaneously with any other profession unless authorised by the General Council of the Bar.

(b) No legal practitioner may practise as a lawyer while simultaneously engaged in the sale or purchase of commodities personally, or as a commission agent, or ship chandler and such other trade or business which, the General Council of the Bar may, from time to time, declare to be incompatible with practice as a lawyer, or as tending to undermine the high standing of the profession.

31. SALARIED EMPLOYMENT

(a) In general, a member of the Bar whilst a servant or in salaried employment of any kind should not appear as an advocate in the Supreme Court or in any High Court; but the following shall not be deemed to constitute a member of the Bar or a servant in salaried employment:—

(i) the receipt of fees as a director of a limited liability company, provided that the recipient of such fees shall not appear as an advocate for his company;

(ii) employment as a legal officer in any Government Department;

(iii) employment as a pupil at a salary in the chambers of another member of the Bar within five years of enrolment as a legal practitioner;

(iv) part-time employment as lecturer.

(b) Legal practitioners holding whole-time appointments with nationalised industries, or statutory corporations, shall not appear in court as counsel on behalf of their employers.

(c) A non-practising barrister in whole-time salaried employment may represent his employing authority or body as an officer or agent in cases where the authority or body concerned is permitted to appear by an officer or agent; and in such cases robes should not be worn.

(d) An officer in the Armed Forces who is also a member of the Bar is not precluded by reason of his being a barrister from discharging as an officer any duties which may devolve upon him as such and may therefore appear at a court martial, provided he does so in his capacity as an officer and not as a barrister.

32. CALLING AT A CLIENT'S HOUSE OR PLACE OF BUSINESS

Except in special circumstances or for some other urgent reason preventing his client from coming to his Chambers a member of the Bar shall not call at a client's house or place of business for the purpose of giving advice to or taking instructions from the client.

33. ADVERTISING, TOUTING AND PUBLICITY

(a) It is contrary to professional etiquette for a lawyer to solicit professional employment by circulars, advertisements, through touts or by personal communications or interviews. Indirect advertisements for professional employment such as furnishing or inspiring newspaper comments, or procuring his photograph to be published in connection with causes in which the lawyer has been or is engaged or concerning the manner of their conduct, the magnitude of the interest involved, the importance of the lawyer's position, and all other like self-aggrandizement, offend the traditions and lower the tone of the profession and are reprehensible ; but the customary use of simple professional cards is not improper.

(b) Publication in reputable law lists, in a manner consistent with the standards of conduct imposed by these Rules of brief biographical and informative data is permissible. Such data must not be misleading and may include only a statement of the lawyer's name and the names of his professional associate ; addresses, telephone numbers, cable addresses, date and place of birth and admission to the bar ; schools attended, with dates of graduation, degrees and other educational distinction ; public or quasi-public offices, posts of honour, legal authorships ; legal teaching positions ; memberships and offices in the Bar Association and committees thereof, and positions in legal and scientific societies.

(c) A member of the Bar may—

(i) send to his own clients notice of a change of address or telephone number ;

(ii) cause his qualifications to appear on his note paper and visiting cards ;

(iii) have the words 'Barrister and Solicitor' or 'Solicitor and Advocate', written after his name, displayed at the entrance or outside any building where his Chambers are situated, so long as any sign or notice containing those words shall be of reasonable size and of sober design.

34. SCOPE OF THE PROHIBITION OF ADVERTISEMENT

A member of the bar may not—

(a) lend his name together with a description 'Barrister-at-Law', 'barrister', 'Barrister and Solicitor', 'Solicitor' or 'Lawyer' for use in any commercial advertisement except as provided by these rules ;

(b) insert in any newspaper, periodical or any other publication an advertisement offering, as a member of the Bar, to undertake confidential enquiries ;

(c) write for publication or give an interview to the Press or otherwise cause or permit to be published, except in a legal periodical, any particulars of his practice or earnings in the profession or of cases pending in the Courts or cases where the time for appeal has not expired on any matter in which he has been engaged as a member of the Bar ;

(d) answer questions on legal subjects in the Press or any periodical or in a wireless or television broadcast where his name or initials are directly or indirectly disclose or likely to be disclosed ;

(e) take steps to procure the publication of his photograph as a member of the Bar in the Press or any periodical ;

(f) wear a barrister's robes on any occasion other than in Court or as may be directed by the Bar Council.

35. NEWSPAPERS AND PERIODICALS

A lawyer may with propriety write articles for publication in which he gives information upon the law ; but he should not accept employment from such publications to advise inquirers in respect of their individual rights.

36. NOTICE TO LOCAL LAWYERS

A lawyer available to act as an associate of other lawyers in a particular branch of the law or legal service may send to local lawyers only and publish in his local journal, a brief and dignified announcement of his availability to serve other lawyers in connection therewith. The announcement should be in a form which does not constitute a statement or representation of special experience or expertness.

37. AIDING THE UNAUTHORIZED PRACTICE OF LAW

No lawyer shall permit his professional services, or his name, to be used in aid of, or to make possible the unauthorized practice of law by any lay agency, personal or corporate.

38. EQUALITY OF MEMBERS

Subject to the rules relating to precedence, all members of the Bar are equal. This principle involves the explanation that no member of the Bar irrespective of his rank or title shall regard himself as superior or inferior to any other member of the Bar.

39. RETIREMENT FROM JUDICIAL POSITION OR PUBLIC EMPLOYMENT

(a) A lawyer should not accept employment as an advocate in any matter upon the merits of which he has previously acted in a judicial capacity.

(b) A lawyer, having once held public office or having been in the public employ, should not after his retirement accept employment in connection with any matter which he has advised on or dealt with while in such office or employ.

(c) A judicial officer who has retired shall only practise as a solicitor and shall not appear as an advocate in any court of law in Nigeria ;

(d) A judicial officer who has retired and is in practice shall not sign any pleadings in any court ;

(e) A retired judicial officer may practise as a legal consultant.

40. FEE FOR EACH PIECE OF WORK

(a) It is the spirit and tradition of the Bar that counsel is separately instructed and separately remunerated by fees for each piece of work done. It is therefore not permissible for counsel to undertake to represent any person, authority or corporation in all their Court work for a fixed annual salary ;

(b) For each case in which he appears, counsel must have a separate fee.

41. RETAINERS

(a) Members of the Bar may accept general or special retainers. A general retainer binds the member of the Bar accepting it not to advise in or appear in any proceedings detrimental to the interests of the client paying the retainer during the period of the retainer. A special retainer implies an undertaking by the member of the Bar that he will not accept any instructions in any matter forming the subject matter of the retainer which will involve advising or arguing against the interests of the special retainer-client. The giving of a retainer whether special or general confers no authority on the member of the Bar accepting same. A brief must be delivered in order to authorise him to take any step in the proceedings or he must be specially instructed.

(b) A member of the Bar shall not accept instructions from a client on terms that a particular class of case shall be done at a fixed fee in each case irrespective of the circumstances of such case.

42. ACQUIRING INTEREST IN LITIGATION

(a) A lawyer should never purchase or otherwise acquire, directly or indirectly, any interest in the subject matter of the litigation which he is conducting, but nothing therein shall prohibit a just and reasonable contingent fee contract.

(b) Contingent fee contracts are neither against public policy, nor champertous.

(c) A contract for a contingent fee, where sanctioned by the Bar Council should be reasonable under all the circumstances of the case, including the risk and uncertainty of the compensation, but should always be subject to the supervision of the Bar Council, as to its reasonableness.

43. EXPENSES

A lawyer may not properly agree with a client that the lawyer shall pay or bear the expenses of litigation ; he may in good faith advance expenses as a matter of convenience, but subject to reimbursement.

44. FIXING THE AMOUNT OF THE FEE

(a) In fixing fees, a lawyer, should avoid charges which overestimate his advice and services, as well as those which undervalue them. A client's ability to pay cannot justify a charge in excess of the value of the service, though his poverty may require a less charge, or even none at all. The reasonable requests of brother lawyers, and of their widows and orphans without ample means, should receive special and kindly consideration.

(b) In determining the amount of the fee, it is proper to consider—

(i) the time and labour required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the cause ;

(ii) whether the acceptance of employment in the particular case will preclude the lawyer's appearance for others in cases likely to arise out of the transaction, and in which there is a reasonable expectation that otherwise he would be employed ;

(iii) whether the acceptance of the employment will involve the loss of other employment while employed in the particular case or antagonisms with other clients ;

- (iv) the customary charges of the Bar for similar services ;
- (v) the amount involved in the controversy and the benefits resulting to the client from the services ;
- (vi) the contingency or the certainty of the compensation ; and
- (vii) the character of the employment, whether casual or for an established and constant client.

No one of these considerations in itself is controlling. They are mere guides in ascertaining the real value of the service.

(c) In determining the customary charges of the Bar for similar services, it is proper for a lawyer to consider a schedule of minimum fees if any adopted by the Bar Association, but no lawyer should permit himself to be controlled thereby or to follow it as his sole guide in determining the amount of his fee.

(d) In fixing fees it should never be forgotten that the profession is a branch of the administration of justice and not a merely money-getting trade.

45. DIVISION OF FEES

No division of fees for legal services is proper, except with another lawyer based upon a division of service or responsibility.

46. COMPENSATION, COMMISSIONS AND REBATES

A lawyer should accept no compensation, commission, rebates or other advantages from others without the knowledge and consent of his client after full disclosure.

47. SUING CLIENTS FOR PROFESSIONAL FEES

Controversies with clients concerning remuneration are to be avoided by the lawyer so far as shall be compatible with his self-respect and with his right to receive reasonable recompense for his services ; and lawsuits with clients should be resorted to only to prevent injustice, imposition or fraud.

48. INTERMEDIARIES

(a) The professional services of a lawyer should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and lawyer. A lawyer's responsibilities and qualifications are individual. He should avoid all relations which direct the performance of his duties by or in the interest of such intermediary. A lawyer's relation to his client should be personal, and the responsibility should be direct to the client. Charitable societies rendering aid to the indigent are not deemed such intermediaries.

(b) A lawyer may accept employment from any organization, such as an association, club or trade organization, to render services in any matter in which the organization, as an entity, is interested, but his employment should not include the rendering of legal services to the members of such an organization in respect to their individual affairs.

49. DEALING WITH TRUST PROPERTY

(a) The lawyer should refrain from any action whereby for his personal benefit or gain he abuses or takes advantage of the confidences reposed in him by his client.

(b) Money of the client or collected for the client or other trust property coming to the possession of the lawyer should be reported and accounted for promptly, and should not under any circumstances be commingled with his own or be used by him.

50. PARTNERSHIPS

(a) Partnerships among lawyers for the practice of their profession are very common and are not to be condemned. In the formation of partnerships and the use of partnership names, care should be taken not to violate any law, custom, or rule of court locally applicable. Partnerships should not be formed between lawyers who are not all admitted to practise in Nigeria. Care should be taken to avoid any misleading name or representation which would create a false impression as to the professional positions of the members. In the formation of partnerships for the practice of law, no person should be admitted or held out as a practitioner or member who is not a member of the legal profession duly authorized to practise, and amenable to professional discipline. In the selection and use of a name for a partnership, false, misleading, assumed or trade name are to be avoided. The continued use of the name of a deceased or former partner is not unethical. Care should be taken that no imposition or deception is practised through this continued use, and where a member of the firm becomes a judge and is thereby precluded from practising law, his name, if it appears, must be removed from the partnership name.

(b) Partnerships between lawyers and members of other professions or non-professional persons should not be formed or permitted where any part of the partnership's employment consists of the practice of law.

(c) A lawyer practising on his own account should not hold himself out as a partner in a firm of lawyers by using a firm's name, for example, by using the name "A, B & Co." which suggest that he is in partnership with others.

51. PRACTISING FEES

(a) Lawyers are expected to pay the annual practising fees not later than 31st January in every year ; but in the case of lawyers who are first enrolled in any particular year, the fees should be paid within one month of the enrolment.

(b) It is unprofessional conduct for any lawyer in any Court or before any tribunal to claim that he has paid his annual practising fees when he is in fact in default.

52. ENFORCEMENT OF RULES

It is the duty of every lawyer to draw the attention of a colleague to provisions of these rules and report the conduct of any colleague in breach of these rules to the local branch of the N.B.A., the National Executive of the N.B.A. or the General Council of the Bar as the case may be, depending on the nature of the offending conduct and the amount of harm it will do to the image of the profession.

53. INTERPRETATION

The word 'lawyer' in these Rules is used for convenience and where it appears and the context does not otherwise require, it is to be construed by reference to the Legal Practitioners Decree 1975.

DATED at Lagos this 25th day of September 1979.

A. NNAMANI,
*Attorney-General of the Federation,
Chairman of the General Council
of the Bar*