

LEGAL PRACTITIONER

LEGAL PRACTITIONER – EXTENT OF AUTHORITY –A Counsel who announces himself as appearing for a party is deemed to have the authority of the party to represent him- TUKUR V GOVT. OF GONGOLA (1988) 2 NWLR Pt.68, p.24.

Where the counsel consents on behalf of his client without his client's authority, the court may invalidate his authority – VULCAN V GESELLSCHA.

LEGAL PRACTITIONER – Client's specific instruction – Duty to strictly adhere to it – whether a servant of his client or an independent contractor – The relationship is one of an independent Contractor and not one of Principal and Agent – PERFORMING RIGHT SOCIETY LTD V MITCHELL & BOOKER 1924 1 K.B 702; AFEGBAI V A.G. EDO STATE 2001 90 LRCN 2929.

COUNSEL AS WITNESS IN A CASE WHERE HE IS COUNSEL – This is not advisable – ELEBANJO V TIJANI (1980) 5 NWLR Pt.46, p.954 ; OKOYA V SANTILI (1991) 7 NWLR Pt.206, p.258.

COUNSEL AS *AMICUS CURIAE* –A Counsel may either upon the invitation of the Court, or on his own volition, address the Court on vital issues of law which may be recondite – AWOJUGBAGBE LIGHT INDUSTRIES LTD. V CHINUKWE (1995) 4 NWLR Pt.390, p.379.

CONTEMPT- DISCOURTESY OF COUNSEL- It is not every act of discourtesy of Counsel that amounts to contempt; failure to attend court to listen to judgment is not contemptuous – ATAKE V A.G. OF FEDERATION & ANOR. (1982) S.C.153; UNION BANK NIG. LTD. V AJAGU (1990) 1NWLR Pt.126, p328.

MISTAKE OF COUNSEL-EFFECT ON CLIENT'S CASE- It is only where there are procedural irregularities that a mistake of Counsel cannot be visited on his client. Where the error relates to the conduct of the litigant or client, that

client is bound by the conduct of his counsel as it relates to the competence of the counsel of his choice –AKANBI V ALAO (1989) 3 NWLR Pt.108 ,p.118 ; IGWESHI V ATU (1993) 6 NWLR Pt.300,p.484 ; TRANS NAB LTD. V JOSEPH (1997) 5 NWLR Pt.504, p.176; LENAS FIBRE GLASS LTD V FURTADO (1997) 5NWLR Pt.504, p.220.

PROSECUTING COUNSEL ARE NOT PERSECUTORS – They should be courteous, must not secure conviction at all cost, nor ask for maximum sentence, but must assist the court as a Minister in the temple of justice – ODOFIN BELLO V THE STATE (1967)NMLR 1 ; ATANDA V A.G. WESTERN NIGERIA (1965) NMLR 225 ; ENAHORO V THE QUEEN (1965) NMLR 265.

LEGAL PRACTITIONER –IMMUNITY AGAINST SUITS- A legal practitioner enjoys immunity against any suit instituted against him in respect of the conduct of a case in court – RONDEL V WORSLEY (1969) 1 A.C. 191 at 287 ; USUN V AWAN 18 N.L.R.144 ; I.T.T. NIG. V OKPON (1989) 2 NWLR Pt.103 p. 340

SALARIED EMPLOYMENT – LEGAL PRACTITIONER APPEARING FOR COMPANY – A legal practitioner who is a gratuitous director of a Company can appear as counsel for the company and is entitled to legal fees – I.B.W.A. V IMANO (1988) 3 NWLR Pt.85, p.633.