

**TOWARDS NATIONAL DEVELOPMENT
A NEW SYNERGY BETWEEN OFFICIAL AND THE PRIVATE
BAR
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INTRODUCTION

The official and private legal practitioners in our dear nation, Nigeria are prominent people that are being brought together by our noble profession (the legal practice) and our great association, the Nigerian Bar Association whose motto is promoting the rule of law, with the core values as; integrity, excellence, courage and professionalism. It is indeed undisputed fact, that the legal profession and the umbrella body of the Nigerian Bar Association have been uniting legal luminaries in Nigeria together, with the aim of providing and carrying out effective services and activities towards national development.

It is pertinent to note the word and phrases, **synergy, official bar, private bar**, their functions, aims and objectives towards national development.

THE WORD “SYNERGY”

The word “Synergy”¹ means extra energy, power, success, etc. that is achieved by two or more people or companies working together, instead of on their own. The word also means a state in which two or more things work together in a particular faithful way that will produce an effect greater than the sum of their effects.

OFFICIAL BAR

The phrase “official bar” is a name given to official legal practitioners also known as the prosecutors or law officers² that work for the government at different levels. The Attorney Generals, Solicitor General and the State Counsel of the Federal and State Ministries of Justice, State Security Service, Economic and Financial Crimes Commission, Independent Corrupt Practices Commission and other related matters, the National Human Rights Commission, Agencies or Commissions among others. These lawyers are the official bar members.

PRIVATE BAR

The phrase “private bar”³ is a name given to the legal practitioners in the private sector in Nigeria. This means that, they are not official hence, they work for private individuals, corporate bodies etc. but, they rarely work for the government of State or Federation when they are armed with a lawful permission (fiat) to prosecute some criminal cases. Members of the private bar are independent, meaning that, they are not paid by the governments, unless as in the instance stated above.

¹ . Oxford Advanced Learner's Dictionary 6th Edition

² . Law Officers Act

³ World Book Dictionary Vol 11L-Z 1976

SCOPE AND CONTENT OF THIS PAPER

Apart from the conceptual analysis of the official and private bar, towards national development of our dear Nation, this paper is aimed at exploring the extent of the duties of the two distinct legal practitioners, working hand in hand towards national development. The nature of the rule of law in driving national development cannot be over emphasised. Its centrality to the survival of constitutional democracy is effectively paramount. As such at the heart of our democracy consolidation, law and order and economic revival is the rule of law⁴.

FUNCTIONS OF THE OFFICIAL AND PRIVATE BAR TOWARDS NATIONAL DEVELOPMENT

The members of the official bar carry out the following functions:

1. Drafting legal documents.
2. Providing legal advice on cases assigned to them for that purpose.
3. Vetting the legal advice.
4. Settling some cases or complaints assigned to them amicably (where necessary) through the mechanisms of ADR.
5. Attending conferences, workshops, seminars, training etc.
6. Prosecuting cases in courts.
7. Screening of legal heirs of deceased persons for the payment of their entitlements (State Counsel in MOJ Sokoto) in particular.
8. Supervising the distribution of some entitlements of deceased persons to their legal heirs (applicable in MOJ, Sokoto) for example.
9. Prosecuting civil cases for governments, agencies etc.
10. Defending cases filed against governments, agencies etc.

⁴. The Rule of Law Initiative: A Tool for Development: Published in August, 2007 by Nigerian Bar Association.

11. Instituting, taking over and discontinuing criminal cases⁵
12. Preferring charges in High Courts against the suspects⁶ .

While the members of the private bar have the following functions viz:

1. Advising their clients appropriately.
2. Drafting legal documents.
3. Settling some cases brought to them amicably through ADR.
4. Attending conferences, seminars, workshops, training etc.
5. Appearing in civil cases for their clients.
6. Prosecuting criminal cases (with fiats).
7. Defending their cases.
8. Employing lawyers and supporting staff.

The duties of the counsel are enormous and they have similar or the same functions.

AIMS OF THE OFFICIAL AND PRIVATE BAR

The aim of the members of the official bar is to make sure that the administration of justice is achieved while, performing their lawful duties and conduct. It has always been said that, the duty of the official bar is to prosecute cases diligently and not to persecute. The prosecution must not by all means secure conviction but, to discharge its duties with due care and diligence as well as to see that, justice is done. While the members of the private bar just like their counterpart the official bar have similar aims. They should see that justice is done, as permitted by law in defending their clients.

⁵.Sections 211(1)(a)(b)(c)(2) and 174 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁶ . Section 185(b) of the Criminal Procedure Code.

THE NEW SYNERGY BETWEEN THE OFFICIAL AND PRIVATE BAR

The official and private bar have the same objectives, in discharging their duties and rendering their services in promoting the rule of law towards national development like, protecting human rights, women's rights, child's rights , administration of justice and in compliance with the provisions as contained in the Rules of Professional Conduct⁷

*“A Lawyer shall uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of professional conduct, and shall not engage in any conduct which is unbecoming of a legal practitioner”.*⁸

There is the need for both practitioners to comply with the provisions contained in the Rules of Professional Conduct and the necessary machineries put in place that, that would render positive and effective services towards developing our nation, Nigeria.

The institutional core objectives of the association of both the official and private bar are:

1. To maintain and defend the integrity and independence of the Bar and the Judiciary.
2. To promote timely and affordable access to justice.
3. To promote and support law reform initiatives.
4. To promote and protect the principles of the rule of law and respect for human rights.
5. To promote and advance quality and functional legal education, continuing legal education, advocacy and progressive jurisprudence.

⁷ . Legal Practitioners Act, 2007 cap 207.

⁸ . Rule 1

6. To maintain the highest standards of professional conduct, etiquette and discipline among lawyers.
7. To promote networking opportunities among the members of the association, international organizations and with lawyers and law associations from other countries.
8. To promote the welfare, security, economic and professional advancement of members of the legal profession in Nigeria.
9. To create and maintain an Endowment Fund for the proper observance and discharge of any of these aims and objectives.⁹

DEVELOPMENTAL ACTIVITIES OR FUNCTIONS

The activities or functions carried out or performed by the official and private bar towards national developments are:

1. Promoting the rule of law.
2. Prosecuting and defending cases effectively and in order.
3. Administration of justice.
4. Protecting human rights.
5. Decongesting prisons.
6. Fighting corruption and corrupt activities in every sector of our society.
7. Uniting members of the bar and bench.
8. Bringing unity among Nigerians etc.

⁹ Strategic plan (2011-2013) of the Nigerian Bar Association.

CONCLUSION

The legal profession under the Nigerian Bar Association must have a unified voice in bringing positive reforms to our great country Nigerian. The official and private bar together, must ensure that the use of influence in legal advice and cooperation for a purpose has now come under scrutiny of the public eye and there are now watch dogs to watch and check those silent features. Whereas there other positive changes that the synergy can bring about to national development as enshrined in chapter 4¹⁰. It has brought about fairness, justice to the less privilege and due process to the justice system. We constantly need reforms in all sectors to meet up with the new trends internationally. May God bless Nigeria and this great noble profession.

REFERENCES

1. Rules of Professional Conduct for Legal Practitioners, 2007.
2. An Article of the Nigerian Bar Association titled ‘Strategic Plan’ 2011-2013.
3. Oxford Advanced Learner’s Dictionary, 6th Edition.
4. Criminal Procedure Code.

Thank you and God bless you all.

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¹⁰. Constitution of the Federal Republic of Nigeria, 1999 (as amended)