



**BODY OF SENIOR ADVOCATES OF NIGERIA
GUIDELINES FOR THE ETHICS COMMITTEE
AS APPROVED BY THE GENERAL MEETING DATED 10TH
FEBRUARY, 2024 HELD AT THE INTERNATIONAL
CONFERENCE CENTRE, ABUJA**

PREAMBLE

- 1) The Ethics Committee of the Body of Senior Advocates of Nigeria (BOSAN) was established by resolution of the BOSAN made on the 15th day of May 2021 pursuant to *Article 3 of the Constitution* of BOSAN which provides for the aim and objectives of the Body to include amongst others:
 - a. To promote professional responsibility amongst members and to maintain and defend the professional integrity of the Body.
 - b. To maintain the highest standards of professional ethics and conduct, etiquette, and discipline amongst its members; and
 - c. To ensure and maintain the dignity of the rank of Senior Advocates of Nigeria.

TERMS OF REFERENCE

2) The Terms of Reference of the Ethics Committee are:

- a. To keep under review the code of conduct and guidance governing practice as a member of the inner bar and to develop proposals for submission to the Legal Practitioners Privileges Committee (LPPC).
- b. To respond to complaints and proposals from persons in respect of the professional conduct and ethics of members of BOSAN.
- c. To guide and assist BOSAN members on issues of professional conduct and ethics, including through the ethical enquiries service.
- d. To oversee the work of the ethical enquiries service.
- e. To assist in responding to requests to the Nigeria Bar Association (NBA) or LPPC or other bodies (including from overseas) concerning the professional conduct and ethics of members of the inner bar.
- f. To support the strategic aims of BOSAN, as published.

OBJECTIVES OF THE COMMITTEE

3) The following are the approved objectives of the Ethics Committee: -

- a. To provide members of the Body of the Senior Advocates of Nigeria with guidance on how to comply with the various regulations applicable to them and rules of professional conduct.
- b. To advise members who have questions about the propriety of their professional conduct.
- c. To assist members in the resolution of ethical dilemmas.
- d. To prevent a breach of the various rules and regulations relating to professional conduct within the inner Bar.
- e. To educate new members of the inner Bar and other members of the inner Bar on the importance of complying with appropriate ethical conduct as members of the inner Bar.
- f. To provide guidance on ethical dilemmas, questions, and complaints relating to how BOSAN members conduct their practices in the context of their professional obligations and expectations.
- g. To promote a high standard of ethical conduct within the inner Bar and to ensure members of the inner Bar conduct their affairs in a manner worthy of the rank of a Senior Advocate of Nigeria.
- h. To advise on ways to maintain public confidence in providing legal services.
- i. To advise on ways to promote and protect public and consumer interests.
- j. To advise on promoting the rule of law and improving access to justice.
- k. To make rules of procedure for its proceedings.

ETHICAL CONDUCT

4) The Body recognises the existence of institutions responsible for maintaining discipline within the Nigerian Bar including the Legal Practitioners Disciplinary Committee,¹ the Supreme Court of Nigeria,² the Chief Justice of Nigeria,³ the **Legal Practitioners Privileges Committee**,⁴ and the Nigerian Bar Association as a first step to the LPDC. In particular, the Body recognises Rule 22 of the Guidelines of the Appointment of Senior Advocates of Nigeria, which provides thus: -

¹ See Section 11 of the Legal Practitioners Act.

² Section 13, LPA

³ Section 13 (2), LPA

⁴ Section 5(1) LPA, and Regulation 22 of the Guidelines of the Appointment of Senior Advocates of Nigeria

“Rule 22.- (1) The rank of Senior Advocate of Nigeria may be withdrawn from any person holding the rank by the Legal Practitioners’ Privileges Committee if the person is:

- i. adjudged by the Legal Practitioners’ Privileges Committee to have conducted himself in a manner incompatible with the dignity and honour of the rank;
- ii. found guilty of professional misconduct by the Legal Practitioners Disciplinary Committee; or
- iii. convicted by a Court of Law for any offence which in the opinion of the Legal Practitioners’ Privileges Committee is incompatible with the honour and dignity of the holder of the rank such as an offence relating to breach of trust, theft, or other offences involving fraud or dishonesty”.

- 5) The Ethics Committee shall NOT duplicate the functions and responsibilities already conferred on the above bodies. The Ethics Committee shall not have any disciplinary powers or conduct any disciplinary proceedings against inner Bar members. The Committee shall have a consultative and referral function in relation to complaints brought before the Body, in respect of Senior Advocates of Nigeria.
- 6) The Ethics Committee shall consider petitions or complaints submitted to the Body, get the reaction of the Senior Advocate(s) concerned, and give a prima facie decision on whether the Body should refer the complaint to the Legal Practitioners Privileges Committee or other bodies. The Committee shall have the power to make such other recommendations that would achieve the objectives and terms of reference of the Committee.
- 7) The Ethics Committee shall have the power to receive an inquiry for purposes of obtaining information on any Senior Advocate of Nigeria whose conduct is believed to be incompatible with the dignity and honour of the rank.
- 8) The Committee may through the Body, establish a framework for receiving information through a whistleblowing mechanism.
- 9) Considerations and Decisions of the Ethics Committee shall be through its panels as may from time to time be constituted by the Chairman or Co-Chairman, and such decisions shall be by simple majority of the panel.
- 10) The Ethics Committee shall send periodic reports to the Body but not extending beyond yearly reports.
- 11) To conduct any Committee business, a quorum is established with one-third of the members present at the meeting.
- 12) ***The Body of Senior Advocates of Nigeria Ethics Committee Procedural Rules for Reference of the Complaints Against Senior Advocates of Nigeria is found under the First Schedule to these Guidelines.***

FIRST SCHEDULE

**BODY OF SENIOR ADVOCATES OF NIGERIA ETHICS COMMITTEE
PROCEDURAL RULES FOR REFERENCE OF COMPLAINTS AGAINST SENIOR
ADVOCATES OF NIGERIA 2023**

*Made pursuant to
Article 3 of the Constitution of the Body of Senior Advocates of Nigeria*

AUGUST 23, 2023

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ORDER 1 DEFINITIONS

1) Short Title

- a) These Rules may be cited as the Body of Senior Advocates of Nigeria Ethics Committee Procedural Rules for Reference of Complaints against Senior Advocates of Nigeria 2023

2) Interpretation

In these Rules, unless otherwise expressly stated:

“*Consideration*” means a document only review which gives the Senior Advocate of Nigeria against whom a complaint is made the opportunity to send to the Committee his side of the story (to be considered by an unbiased Panel of the Ethics Committee) for the determination of whether there is a basis for recommending to the Body of Senior Advocates in reference to the complaint to the Legal Practitioners’ Privileges Committee or such other bodies and such other recommendations as the committee may deem fit to make in the circumstances.

“*Legal Practitioners Disciplinary Committee*” or “*the cmttee*” is the body established under section 5(3) of the Legal Practitioners Act Cap. L11 LFN 2004;

“*Senior Advocate of Nigeria*” is a legal practitioner conferred with the rank of Senior Advocate of Nigeria by the Legal Practitioners Privileges Committee; and

“Reference” includes a reference to the complaint together with the response to the Legal Practitioners Privileges Committee.

“The Body” means the Body of Senior Advocates of Nigeria.

ORDER 2 ADMINISTRATION AND GENERAL PROCEDURES

1) Preamble

The Rules are made *inter alia* on the following basis:

- a. A Senior Advocate of Nigeria is sworn to uphold the Constitution of the Federal Republic of Nigeria and to assist the Courts established thereunder in the administration of justice; and is expected to maintain high standards of ethical conduct and discharge his duties to his Client within the ambit of the law.
- b. A Senior Advocate of Nigeria is expected to maintain the dignity of the rank by conducting himself appropriately with decorum and good carriage at all times

and avoid any conduct that would bring or have the tendency to bring the rank into disrepute in the opinion of right-thinking members of the society.

- c. A Senior Advocate of Nigeria is expected to provide leadership at the Bar at all times and refrain from the unlawful or improper use of the privileges accruing to all Senior Advocates of Nigeria.
- d. Every Senior Advocate of Nigeria is a member of the Body by the constitution of the Body, and consequently, the conduct of a Senior Advocate affects the reputation of the Body and the legal profession in general.
- e. The Body must protect the interest of the public who utilize the services of the members of the Body and, in so doing, enhance the reputation of Senior Advocates of Nigeria and the confidence of the public in patronizing their services.

2) Application of the Rules

- a. The Body of Senior Advocates of Nigeria Ethics Committee Procedural Rules for Reference of Complaints against Senior Advocates of Nigeria 2023 (“the Rules”) shall apply to the consideration of complaints against Senior Advocates of Nigeria, received by the Body and referred to the Committee for consideration.
- b. These Rules are made pursuant to Article 3 of the Constitution of the Body and stipulate fair hearing procedures.

3) Complaints

- a. The Body can receive complaints or petitions in writing against a Senior Advocate of Nigeria from any of the following persons:
 - i. A Judge or Judicial Officer,
 - ii. A client of the Senior Advocate of Nigeria
 - iii. Any person aggrieved by the conduct of the Senior Advocate of a nature unbecoming of him and/ or incompatible with the dignity of the rank.
 - iv. Any member of BOSAN may file a petition against a Senior Advocate
 - v. Any member of the BOSAN Ethics Committee may file a complaint, but he/she shall recuse himself/herself from the panel when such complaint is to be heard
- b. Any of the persons named in Order 2 Rule 5 (a) may submit to the Body or its Ethics Committee a written complaint against a Senior Advocate of Nigeria, and if the Ethics Committee considers the complaint together with the written response or the refusal or failure to respond, the Committee may determine to refer the complaint and response to the LPPC.
- c. Any person, including members of the Body, may file a petition against a Senior Advocate with the Ethics Committee

- d. The consideration shall strictly observe the principles of natural justice and fair hearing.
- e. The complaint shall contain a statement as to the nature of the misconduct or offensive conduct being alleged, the date, time, and place of the conduct complained about, and furnish satisfactory evidence in support thereof.
 - i. A complaint received (in paper or electronically) by the Ethics Committee through the Body, shall be considered by a Panel of the Ethics Committee.
 - ii. The consideration shall be by an unbiased panel and shall include an opportunity for the Senior Advocate to be heard vide a written response. Specifically, the Senior Advocate shall be furnished with the complaint and afforded a reasonable opportunity to respond to it within 14 days (but in no circumstance shall it exceed 18 days).
 - iii. Where a respondent to a petition to the Ethics Committee is a member of the Committee, he shall recuse himself from acting in the Committee until the matter is fully disposed of.
 - iv. The Senior Advocate may object (within 3 days) if he has reasonable grounds of bias on the part of one or more members of the *Panel of the Ethics Committee*.
 - v. Where the *Panel* determines that there is a basis for a reference, it shall recommend to the Body a reference of both the complaint and response to the LPPC for its handling.

4) Notices

- a. The *Panel* shall bring to the notice of the Senior Advocate the fact of the complaint and a list of the Panel members considering the complaint.
- b. The notice together with the list may be served by email or other electronic means, which must have means to show proof of delivery of the notice.

ORDER 3 PROCEEDINGS OF THE ETHICS COMMITTEE

1) Challenge on grounds of bias

- a. A Senior Advocate may within 3 days of the proof of delivery of a complainant, raise a challenge that one of the Committee members is biased and state in writing why the member should not be allowed to participate in consideration of his case. If this arises, the Committee shall consider the challenge and decide on it before proceeding further.

2) Consideration in the Absence of a Response

- a. If a Senior Advocate fails to respond to the complaint within the time stipulated in the Rules, the Committee may, upon proof of service of the request for a response, proceed to consider the case without the response.

3) Considerations

- a. If, after consideration, the *Panel*, -
 - i. Finds no basis for a reference or that there is a basis for reference, it shall record its conclusion.
 - ii. Such conclusion as may be reached shall be transmitted by the Secretary of the Body to the affected parties, and in the case of a finding that there is a basis for reference to the relevant authority, it shall refer accordingly.
- b. Quorum and Timeline
 - i) The quorum for the Panel meeting shall be all three (3) members selected for the consideration of a complaint.
 - ii) The panel shall endeavour within 30 days from the close of time for the delivery of a response to conclude the consideration of the matter.
 - iii) The panel shall have a maximum period of 40 days from the date of receiving a petition to reach a decision on the matter.
- c. The general power of the Panel
 - i. The panel may take any steps necessary in furtherance of its mandate.

4) Exhibits and books are to be kept by the secretary

- a. The *Committee* may order that any books, papers, or other exhibits produced or used for the consideration shall be retained by the BOSAN Secretary for a period of time.

ORDER 4 MISCELLANEOUS

1) Commencement

These Rules shall come into force on the **29th** day of **September 2023**.

Appendix 1

Notice of Receipt of Complaint and Request for a Response

In the matter of

Name

And

XY a Senior Advocate of Nigeria

To be considered by
(List of the *Panel* members considering the reference

TAKE NOTICE that the Ethics Committee of the Body of Senior Advocates of Nigeria has received a complaint against you as attached.

You are required to provide your written response together with all supporting documents no later than (date) being 14 days from today. Your response should be addressed to and may be submitted electronically using the email address

If you do not provide a response within the stipulated time, the Panel will consider the Complaint, nonetheless.

DATED the day of 20

BOSAN Ethics Committee

The First Members of the Ethics Committee are: -

- Mr Ebun Sofunde, SAN - Chairman
- Sir. L.N. Mbanefo, SAN - Vice Chairman
- Chief Akinlolu C. Olujinmi, SAN
- Mr. Seyi Sowemimo, SAN
- Mr. Yunus Ustaz Usman, SAN
- Chief Anthony Idigbe, SAN
- Mrs. Funke Adekoya. SAN
- Mr. Abubakar B. Mahmoud, SAN, OON
- Dr. Onyechi Ikpeazu, SAN, OON
- Mrs. Olabisi O. Soyebbo, SAN
- Professor Fabian Ajogwu, SAN, OFR

Dated this **29th** Day of **September** 2023.

Signed:

Mr. Ebun Sofunde, SAN
Chairman

Sir. L.N. Mbanefo, SAN
Vice Chairman