

DELIMITING LAWYERS' INVOLVEMENT IN SALE OF LAND IN LIGHT OF THE STEADY DIMINUTION OF THE LAW PRACTICE SPACE IN NIGERIA*

Abstract

*The notion that the Legal Practitioners Disciplinary Committee has banned lawyers in active law practice in Nigeria from personal involvement (as parties) in sale of land transactions, has generated a lot of controversy and apprehensiveness within and outside the Law Profession. This paper analyses that notion with a view to removing misplaced impressions and needless misapprehensions capable of being used as strategies to further stifle the legitimate law practice and thereby denying lawyers reasonable personal participation in traditional law jobs, among which conveyancing, especially sale of land, is key. The paper argues that outstretching the ruling in *NBA v. Ibejunjo* to deny honorable members of the profession personal participation in the sale of land transactions, would constitute an unjustified and unjustifiable misconception and hasty generalization in the absence of sound evidence indicating that every lawyer who gets personally involved in such transactions is likely to end up defrauding his or her client. To this end, the authors proffer a more realistic interpretation and application of the ruling to eschew internal muzzling of traditional law practice, considering the noticed illegitimate but steady incursion into the law practice space by lawyers and non-lawyers from within and outside Nigeria. It is therefore concluded that a progressive approach to interpreting and applying the principles espoused in the ruling would accord more with the position of law in Nigeria because Legal Ethics must operate within the extant laws of the larger society. Further, such approach would attune more to global trends, as well as lead to a pragmatic preservation of traditional law jobs for present and future generations of lawyers in Nigeria, conveyancing being a mainstay of law practice. The authors' objectives in this research tilt towards a combination of the descriptive, the prescriptive and the normative. And adopting the analytical and applied research approaches, the authors deployed a mixture of the doctrinal and the socio-legal research methodologies towards achieving more realistic results.*

Keywords: Sale of Land, Nigerian Bar Association, *NBA v Ibejunjo*, Legal Practitioners Disciplinary Committee, Professional Misconduct, Unprofessional.

1. Introduction: Meaning of Lawyer/Legal Practitioner

Globally, the term 'lawyer'¹ is used to refer to a person who is qualified and licensed to practice law². According to Vocabulary.com, a lawyer is a professional who is qualified to offer advice about the law or represent someone in legal matters; one who practices or is authorized to practice law;³ one who conducts lawsuit on behalf of clients or undertakes other law jobs, or gives legal advice. A lawyer is a person trained and qualified to advise people about the law, to write legal documents,⁴ and to handle all sorts of legal matters, from drafting wills and other legal documents to patent claims, to acting as prosecutors in criminal proceedings or as Claimant's or Defence' Counsel in criminal charges or civil claims. A lawyer has also been described in the following words:

A person, who through a regular program of study, is learned in legal matters and has been licensed to practice his or her profession. Any qualified person who prosecutes or defends causes in courts of record or other judicial tribunals ... or who renders legal advice or assistance in relation to any cause or matter. Unless a contrary meaning is plainly indicated, this term is synonymous with attorney, attorney at law, or counselor at law.⁵

In Nigeria, the term 'lawyer' means legal practitioner as defined by the Legal Practitioners Act (LPA).⁶ The LPA⁷ defines 'Legal Practitioner' as 'a person entitled in accordance with the provisions of this Act to practise as a barrister or as a barrister and solicitor, either generally or for the purposes of any particular office or proceedings'⁸ In Nigeria, practice of law (that is, acting as barrister or solicitor or doing other professional law jobs) is a right exclusive to lawyers. Thus, it is a criminal offence in Nigeria, for a non-lawyer to practise, or to hold himself out to practise as a legal practitioner, or to take or use the title of legal practitioner, or to willfully take or use any name, title, addition or description falsely implying, or to otherwise pretend, that he is a legal practitioner or that he is qualified or recognised by law to act as a legal practitioner.⁹ It is obvious from the above, that the law profession in Nigeria is a fused profession; every 'lawyer' or 'legal practitioner' duly

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¹ Otherwise called an attorney, a solicitor, a counselor, a barrister, a legal practitioner

² Garner, B, In: Black's Law Dictionary (9th ed., West/Thomson Reuters, 2009) 968

³ 'Lawyer - Dictionary Definition' (Vocabulary.com) <<https://www.vocabulary.com/dictionary/lawyer>> accessed November 01, 2021.

⁴ See <https://www.oxfordlearnersdictionaries.com/definition/english/lawyer> accessed November 01, 2021.

⁵ 'Lawyer' (The Free Dictionary) <<https://legal-dictionary.thefreedictionary.com/Lawyer>> accessed December 1, 2021

⁶ Rules of professional Conduct for Legal Practitioners in Nigeria, 2007, Rule 55 (2)

⁷ Legal Practitioners Act (LPA), CAP L11, Laws of the Federation of Nigeria, 2004 <<https://lawsofnigeria.placng.org/laws/L11.pdf>> accessed November 01, 2021.

⁸ section 24

⁹ LPA *Op Cit.* section 22

admitted to the Nigeria Bar¹⁰ in Nigeria is qualified to practice both as a barrister and as a solicitor. Part of the job of lawyers in Nigeria is conveyancing¹¹ and acting or representing clients in all manner of land transactions.

2. Restriction from Participation in Other Business

Unless permitted by the General Council of the Bar (GCB),¹² lawyers in Nigeria are not entitled to combine law practice with the practice of any other business or profession. Specifically, a lawyer shall not practice as a legal practitioner while personally engaged in the business of buying and selling commodities or the business of a commission agent, or such other trade or business which, in the opinion of the General Council of the Bar, 'is incompatible with practice as a lawyer' or tends 'to undermine the high standing of the profession'.¹³ '[T]rade or business' includes all forms or participation in any trade or business but does not include being a non-executive director or a secretary or a shareholder in a company.¹⁴ In *Uka v Onyia*,¹⁵ the Court of Appeal held:

Rule 7(2)(b) of the Rules of Professional Conduct for Legal Practitioners, 2007 RPC, forbids a lawyer from practicing as a legal practitioner while personally engaged in the business of a commission agent. A proper dissection of this Rule shows that what is forbidden is practicing as a lawyer, while engaged in the business of a commission agent. In other words, the active part of the provision/prohibition is practice as a legal practitioner. The provision does not forbid a legal practitioner from engaging in the business of a commission agent. Rather, it forbids a legal practitioner engaged in the business of commissioned agent from practicing as a legal practitioner while so engaged. In construing this provision, it is pertinent to note that the qualification of a person as a legal practitioner is distinct from practice as a legal practitioner while the former borders on the mere appellation of one as a lawyer upon being called to the Nigerian Bar, the latter is a question of fact and evidence.

However, note that the RPC is not enacted for the purposes of determining the validity or otherwise of commercial transactions in which a lawyer is personally involved in. The RPC is made purely for disciplinary purposes.¹⁶ Accordingly, the mere fact that a lawyer has acted in contravention of the RPC does not vitiate the affected transaction. Breach of any provision of the RPC¹⁷ is only considered a professional misconduct for which the offending lawyer may be subjected to discipline according to the law¹⁸ and the Ethics¹⁹ of the profession, usually in separate disciplinary procedures or provisions set out by law or Legal Ethics. The term 'Legal ethics' is used to refer to the principles of conduct that members of the law profession are expected to observe in their practice of law and personal conduct. They are an outgrowth of the development of the legal profession itself.²⁰

A major disciplinary organ²¹ in the law profession²² in Nigeria is the Legal Practitioners Disciplinary Committee (LPDC).²³ The LPDC, a quasi-administrative body²⁴ whose proceedings are civil in nature,²⁵ is charged with the duty of considering and determining cases of alleged unprofessional conduct or professional legal misconduct²⁶ against lawyers in Nigeria, and

¹⁰The process of admission into the Bar (that is, into Legal Profession in Nigeria) is known as 'Call to the Bar'. See <<https://www.definitions.net/definition/call+to+the+bar>> accessed November 01, 2021. The Body of Benchers, established by section 3 of the LPA, is responsible for the formal call to the Bar of persons seeking to become legal practitioners in Nigeria. By virtue of section 4 of the LPA, a person may be called to the bar if he produces a qualifying certificate to the Benchers; and satisfies the Benchers that he is of good character.

¹¹ The term is explained later in this paper

¹² RPC, Rule 7(1). Note that GCB is established by section 1(1) of the LPA

¹³ RPC, Rule 7(1) and (2)

¹⁴ *Op Cit.* Rule 7(3)

¹⁵ per Ogunwumiju, JCA <<https://www.thelawlane.com/ukah-v-onyia/>> accessed 10 October 2022

¹⁶ *Ibid.* See also Rule 55(1) of the RPC and section 11(1) and (4) of the LPA

¹⁷ Rule 7, RPC

¹⁸ See LPA, sections 11 and 12 and RPC, Rule 55(1) of the RPC

¹⁹ RPC, Rule 55(1)

²⁰ Pirsig M.E., Glendon M.A. *et al.*, 'Legal Ethics' (*Encyclopaedia Britannica*, February 26, 2020) <https://www.britannica.com/topic/legal-ethics> accessed October 23, 2022. See also: Udemezue, S.C., 'An Appraisal of Professional Legal Ethics and Proper Conduct for Lawyers In Nigeria' (2021) Vol. 21, No. 17, Jun 3, 2021, Legal Ethics & Professional Responsibility eJournal. <https://hq.ssrn.com/Journals/IssueProof.cfm?abstractid=3842835&journalid=205108&issue_number=17&volume=21&journal_type=CMBO&function=showissue>

²¹ There are two other disciplinary authorities for lawyers in Nigeria: (a) the Supreme Court and (b) the Chief Justice of Nigeria. See section 13, LPA

²² In this paper, the term 'law profession' is used interchangeably with the term 'legal profession', although the authors believe that 'law profession' is much more apt than 'legal profession', to describe the profession of lawyers --- persons licensed to engage in law practice.

²³ The LPDC was established by section 10 of the Legal Practitioners Act, Cap L11, Laws of the Federation of Nigeria, 2004

²⁴ *Okike v. LPDC* (2005) LPELR-2450(SC), per Belgore, J.S.C (p. 39, paras. A-B)

²⁵ See the Legal Practitioners Disciplinary Committee (LPDC) Rules, 2020 in Government Notice No 20, in the Federal Republic of Nigeria Official Gazette Number 47 Vol 107, 22 March 2020. <... <https://r6a8n4n6.stackpathcdn.com/wp-content/uploads/2020/06/LPDC-RULES-2020.pdf>> accessed November 01, 2021

²⁶ There are basically four categories of professional legal misconduct for which a lawyer may be made to face the LPDC: (a) Infamous Conduct in a Professional Respect; (b) Conduct Incompatible with the status of a legal practitioner; (c)

with powers to impose certain sanctions,²⁷ including directing that the name of the affected legal practitioner be struck off from the Roll²⁸ of Legal Practitioners in Nigeria; suspension from law practice (either for a definite period or indefinitely); warning/admonition; or restitution.²⁹ It was in exercise of such disciplinary powers that the LPDC has given the ruling in the case of *NBA v Ibebunjo*,³⁰ an aspect of which this paper discusses.

3. The Facts and Decision in *NBA v Ibebunjo*

As found by the LPDC,³¹ the respondent in that case, Anozie Ibebunjo, a legal practitioner, had fraudulently or by trick obtained from the petitioner a sum of N1,600,000 (one million and six hundred naira) under the pretext that he sold to the petitioner eight plots of land at '*Agbama Olokoru*' in the year 2002. However, since that year, the petitioner had not been able to take possession of the land and had not received any refund of his money despite repeated demands by the petitioner. The respondent did not show his root of title, as there was no receipt or memorandum evidencing the customary purchase from the original land owners. The respondent drafted a Power of Attorney wherein he promised to indemnify the petitioner in the case of any defect in his title. The promise was not kept. The respondent however alleged that he had refunded a sum of N300,000 (three hundred thousand naira) to the petitioner. Upon consideration of the facts, the Nigerian Bar Association³² concluded that a *prima facie* case of unprofessional conduct had been substantiated against the respondent and consequently filed a complaint before the Legal Practitioners Disciplinary Committee of the Body of Benchers.

The complaints as framed and filed at the LPDC by the Nigerian Bar Association (NBA)³³ read:³⁴

(1) That you, ANOZIE A IBEBUNJO ESQ, legal practitioner, sometime in the year 2002, received a total sum of N1,600,000 (One Million, Six Hundred Thousand Naira) from Mr. Frank Ezeife of No 2, Lagos Street, Umuahia, Abia State, as purchase price for the purported sale of eight (8) plots of land and also neglected to fully refund/account for the entire sum paid to you by Mr. Frank Ezeife despite repeated demands for same, thereby taking advantage of the confidence reposed in you by the petitioner and by so doing you have failed to maintain the high standard of professional conduct expected of a legal practitioner by engaging in conduct unbecoming of a legal practitioner, all contrary to rules 21, 24, 49 and 59 of the Rules of Professional Conduct in the Legal Profession, 1979, now Rules 1, 23 and 55 of the Rules of Professional Conduct in the Legal Profession, 2007

(2) That you, ANOZIE A IBEBUNJO ESQ, as a legal practitioner, sometime in the year 2002 in Umuahia, Abia State, personally engaged in the business of trading, buying and selling of land and by so doing, you have failed to maintain the high standard of professional conduct expected of a legal practitioner by engaging in conduct unbecoming of a legal practitioner, all contrary to rules 21, 24, 49 and 59 of the Rules of Professional Conduct in the Legal Profession, 1979, now Rules 1, 7(2) and 55 of the Rules of Professional Conduct in the Legal Profession (RPC), 2007

In its judgment, the LPDC found that the respondent (a legal practitioner) had engaged in 'trading' on land (that is, land speculation) because 'he claimed he equally sold part of his land to others whose names were not mentioned, that is, engaging in buying and selling...' and 'the entire transaction was shrouded by fraud carefully designed by the legal practitioner,'³⁵ and held (unanimously) that³⁶ the respondent was guilty of infamous conduct in a professional respect; that the respondent should refund the sum of N800,000 to his client Mr Frank Ezeife (the petitioner and supposed purchaser); and that the name of the respondent be struck off the roll of legal practitioners. The Committee then continued:

As it relates to count 2, it is clear beyond per adventure that the business of selling land is a trade or business incompatible with the practice of law. In the instant case, the respondent was clearly doing illegal business to sell land. Rule 7(3) clearly provides the category of business that are compatible with the practice of law.

Obtaining enrolment by fraud; (d) Conviction in Nigeria for an offence incompatible with the status of a legal practitioner. See section 11, LPA.

²⁷ LPA, section 11

²⁸ A nominal register containing the names of all legal practitioners duly called to the Nigerian Bar and who have not been disbarred.

²⁹ See LPA, ss 11 and 12

³⁰ (2013) 18 NWLR (Pt.1386) 413.

³¹ *OP Cit.* @ 414-415

³² Under the Legal Practitioners Disciplinary Committee Rules, 2006 (now repealed by the LPDC Rules, 2020), the NBA was empowered to conduct investigations into allegations of professional misconduct against a lawyer in Nigeria. If after the investigation, the NBA determines that a *prima facie* case had been established against the affected lawyer, the NBA would frame a complaint and file before the LPDC. This is no longer the position. See Rule 4(2) and Rule 5(1) of the LPDC Rules, 2020 <<https://r6a8n4n6.stackpathcdn.com/wp-content/uploads/2020/06/LPDC-RULES-2020.pdf>> accessed November 02, 2022.

³³ NBA was the prosecutor in that case. By virtue of the decision of the Supreme Court in *Nwosu v. NBA* (LPELR-46918 (SC)), and by virtue of the fact of the NBA being deemed to be registered under Part F of the Companies and Allied Matters Act (CAMA), 2020, it is legally incorrect to institute any action in the name 'Nigerian Bar Association' or 'NBA.' The proper person to initiate or defend a legal action where the NBA is a party is the 'Incorporated Trustees of the Nigerian Bar Association' or the 'Registered Trustees of the Nigerian Bar Association.' See section 823(2), 825(1)(a) and 830 CAMA, 2020.

³⁴ *Op Cit*, 425

³⁵ (2013) 18 NWLR 420

³⁶ *Op Cit*, p. 417

From what we have reproduced above the respondent was clearly playing with fire when he was using the platform of his legal practice to sell land. The justice of this case demands that we allow him go full time into his main business of selling of land and to leave the business of practicing law to those who are bona fide legal practitioners.³⁷This case exemplifies the wisdom of the founding fathers in prohibiting legal practitioners from carrying on trade or business incompatible with the practice of law. This was to forestall a situation where the profession of law will be robbed of its lustre and brought into odium, opprobrium and disrepute by allowing the ethic of other professions to fuse or intermingle with the noble ethics of the legal profession. Legal Practitioners must make up their minds whether or not they desire to practice law. The profession will not tolerate those who in the morning are lawyers, and in the afternoon or evening of the same day, members of other businesses or professions. The stream of the ethics of our profession must be kept clear and sparkling, unpolluted by the understanding of our members of the business practice and ethics of other professions. Indeed, it is a matter of choice for a person to practice law or any other profession and no lawyer should stand by and watch so-called members of our profession bring the profession into disrepute. The link between the respondent's misconduct and his office as a legal practitioner is therefore apparent. He has brought a great dent on the image of the profession and the only remedy is to exit from the profession.³⁸

4. Interpretation of the Decision in *NBA v Ibeunjo*

Focus on the Literal Rule

The Literal Rule of interpretation requires that the scope of words used in statutes or other legal documents should not be considered beyond their ordinary meaning; that the words are to be understood in their ordinary and natural meaning unless the object of the statute suggests otherwise.³⁹ Applying the literal rule of its superficial form or face value, towards interpreting the decision in *NBA v. Ibeunjo*, it might appear that the LPDC has banned practicing lawyers in Nigeria from engaging in the business of 'buying and selling land' of land. Thus, one could be tempted to propose the conclusion that lawyers are no longer allowed to combine personal involvement in active law practice with the business of selling and buying of land. Even with this approach, there still appears to be no doubt that lawyers are legally permitted to engage in either, but are prohibited from engaging in both concurrently. This injunction appears to be not violated if a person, on being called to the bar, decides to not practice law, to not set up a law firm and to not join any law firm, but to, instead, concentrate solely on the business of buying and selling real property. As long as the same lawyer is still engaged in 'land sale' business, he is not permitted to take any law practice job from any client for any purpose requiring him or her to exercise or deploy his/her knowledge of law on the client's behalf. The rule could be deemed violated if, for instance the lawyer while still engaged in the business of buying and selling of land, prepares for a fee, legal instruments for the parties to any such land-sale transaction. Such a lawyer whilst still involved as a party in the land-sale transactions, appears also barred from rendering legal advice to any party to such transactions or other legal transactions and may also not be permitted to undertake on behalf of any party to such conveyancing transactions, the job of investigation of title to land. He is however entitled, at any or at some future time, to decide to put a stop to his/her personal participation in sale of land business, and to revert to the business of law practice. It is submitted that this literal approach, as it were, that is if one falls for the approach, does not extend to a lawyer whose involvement in a real property transaction/business is only as a professional conveyancer, for purposes only of either rendering legal advice, participating in negotiations on behalf of his client (vendor or purchaser), and or of preparing land documents such as Land Sale Agreements, Deeds, Requisitions on Title,⁴⁰ Abstract of Title,⁴¹ Epitome of Title,⁴² Completion Statement,⁴³ and of writing legal letters and or rendering Legal Advice to or on behalf of his client, for which he charges and gets paid adequate professional fees in line with the Legal Ethics.⁴⁴ Thus if a practicing lawyer is also engaged in property transactions but only as a traditional conveyancer, the lawyer might not be held to have violated the principle apparently set out in *NBA v. Ibeunjo*, judging by the literal interpretation. A major support for the literal interpretation is seen in Aladekomo⁴⁵ who however notes that the ruling comes with multi-faceted implications for lawyers in Nigeria. He explains:

³⁷ *Op Cit.*, @428, paras. A-C

³⁸ *Op Cit.*, @429 para A-E

³⁹ Palsikar A, 'Critical Analysis of Literal Rule of Interpretation' (SSRN, December 30, 2020) <[⁴⁰ Requisitions on title are essentially questionnaires relating to the sale of real property, drawn up by the Purchaser's legal representative as part of the process of investigation of title to the property, and containing general and specific enquiries of the Vendor about the property and about title to the property. Requisitions may include questions not addressed in the contract or simply query on matters not discoverable upon inspection of the property](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3720368#:~:text=The Literal Rule means that,of the statute suggests otherwise4.> accessed November 29, 2021</p></div><div data-bbox=)

⁴¹ A term used to describe a document containing an outline of all transactions pertaining to a particular real property over a specified period of time. *a document which provides information about the history of the legal title to a piece of real estate, which intends to prove the owner's right to transfer his title and any encumbrances on the property.*

⁴² Epitome of title *consists of a schedule of all the documents of title along with photocopies of the documents themselves, assembled for purposes of deducing the title to the property.*

⁴³ A Completion Statement is a *financial statement prepared and sent by a seller's conveyancer to the buyer's conveyancer on the sale of freehold or leasehold property, laying out the obligations of the parties especially the buyer towards completion of the purchase of the property.*

⁴⁴ See Rules of Professional Conduct (RPC) for Legal Practitioners in Nigeria, 2007, Rules 48 and 49

⁴⁵ See: Anthony S. Aladekomo, 'NBA V Ibeunjo: A Review Of Criminalization Of Sale Of Land By Nigerian Lawyers' [2020] 2(2) IRLJ 145, 158 <<file:///C:/Users/user/Downloads/876-1729-1-SM.pdf>> accessed 6 November 2022.

It is submitted that barring lawyers from selling landed properties will deny thousands of them of the lion share of their income, thereby worsening the already serious problem of joblessness in the legal profession.... Indeed, it is now feared that, if care is not taken, the legal profession may soon lose its age-long dignity, prestige and nobility as a result of the incidents of — jobless lawyers roaming the streets, more so as more Federal, State and private universities keep establishing law faculties. Considering the multi-faceted implications of the judgment and the critique of it done above, its is recommended that there is no legal or practical basis for sustaining the decision of the LPDC in *NBA v Ibejunjo*.

Aladekomo is of the opinion that the respondent in the case under focus should not have been found guilty of professional misconduct, because 'the facts of the case and the exhibits before the court did not expressly or impliedly disclose any element of duping people or fraud.'⁴⁶ Thus, the learned author believes that there is no legal or practical basis for sustaining the decision⁴⁷ in that, among other reasons, (a) 'land' is different from a 'commodity' as envisaged by the RPC, because commodities means 'goods' and sale of commodity is regulated by a distinct statute;⁴⁸ (c) Rule 7 (2) (b) RPC is not relevant to the *Ibejunjo* case because nothing shows in the case that the respondent acted as a commission agent; (d) there was no evidence 'before the court and even till now that the Bar Council'⁴⁹ in pursuance of its powers and functions, has at any time classified selling of land as incompatible with legal practice or as a professional misconduct⁵⁰ pursuant to its powers under the LPA;⁵¹ (e) generally, involvement in sale of land without more can hardly be classified as a form of misconduct or a professional misconduct.⁵²

Lawyers as Conveyancers

Cambridge Dictionary of Modern English⁵³ defines the word 'Conveyancing' as 'the process of moving the legal ownership of property or land from one person to another.' The Black's Law Dictionary sees 'Conveyancing' as 'that ...business which relates to the alienation and transmission of property and other rights from one person to another, to the framing of legal documents intended to create, define, transfer, or extinguish rights. It includes⁵⁴ the investigation of the title to land, and the preparation of agreements, wills, articles of association, private statutes operating as conveyances, and many other instruments in addition to conveyances⁵⁵ properly so called'⁵⁶ This definition appears to have made blurrier, the line that appears to separate acting as a conveyancer⁵⁷ from being personally involved (as a party) in a sale of land transaction. Take as an instance, even on the literal interpretation, the decision in *NBA v. Ibejunjo* might not be deemed dishonored where a practicing lawyer sells his own real property to anyone, even though he is fully engaged in law practice.⁵⁸ This may raise the question as to whether it be in line with Legal Ethics for the same lawyer-seller to be the one to draw relevant conveyancing instruments in respect of the same sale (of land) transaction involving the lawyer's own real property with the lawyer himself as the seller? Under such circumstances, it appears difficult to see anything professionally unethical in the affected lawyer being the one to draft relevant conveyancing instruments, especially the Land Sale Agreement, since, generally in conveyancing, it is the responsibility of the seller's solicitor or legal representative to prepare the Land Sale Agreement, though the responsibility of preparing the Conveyance⁵⁹ is that of the purchaser's solicitor. Where the seller or purchaser in a sale of land transaction is a lawyer, such a vendor or purchaser should be entitled to either himself act as a solicitor to himself in the transaction, or to engage the services of another lawyer; it is a matter of choice. However, under the circumstances, such a lawyer is expected to act and be seen to have acted fairly, honestly and transparently.⁶⁰

Other Aspects of Relevant Legal Ethics

Speaking generally, the present authors believe that where a lawyer (as a purchaser) buys land from another person, what would constitute a breach of legal ethics, applying the literal picture painted above of the judgment under focus, would differ from case to case. First, where a lawyer buys property from his own client (a person for whom the lawyer has acted, even if in a separate, unrelated transaction), it may amount to a breach of legal ethics if the same lawyer-purchaser acts as a solicitor in the sale transaction (unless the lawyer acts for only himself as a purchaser).⁶¹ Under the RPC⁶² a lawyer should not acquire any proprietary interest in the cause of action or subject matter of litigation which he is conducting for a client,

⁴⁶ *Op Cit*, 158

⁴⁷ *Op Cit*

⁴⁸ The Sale of Goods Act (UK) and the various Sale of Goods Laws.

⁴⁹ The General Council of the Bar, created under section 1, LPA

⁵⁰ Aladekomo, *Op Cit*, 151

⁵¹ Section 11(4).

⁵² See *Iloabachie v. Iloabachie*, cited in Aladekomo, *Op Cit*, 152

⁵³ 'Conveyancing: Meaning in the Cambridge English Dictionary' (Cambridge Dictionary) <<https://dictionary.cambridge.org/dictionary/english/conveyancing>> accessed August 05, 2021.

⁵⁴ This implies that it is not limited to only those listed.

⁵⁵ Examples: Deed of Lease/subleases; Deed of Legal Mortgages, Deed of Assignment; Deed of Gift, etc

⁵⁶ see *Livermore v. Bagley*, 3 Mass. 505

⁵⁷ In the technical sense

⁵⁸ See *NBA v Kareem* (2015) 12 NWLR (Pt 1472) 190 LPDC, cited in: Aladekomo *Op Cit*.

⁵⁹ In Sale of Land transactions, the type of Conveyancing instrument expected to be executed by the parties to conclude the transaction is known as 'Deed of Assignment'.

⁶⁰ See Rules 15, 17, and 23 RPC, 2007

⁶¹ See *Williams v. Franklin* (1961) All NLR 218

⁶² Rule 17(3)

although he may acquire a lien granted by law to secure his fees and expenses, or contract with a client for a reasonably contingent fee in a civil case. Second, where a lawyer buys property from a person who is not his client and with whom he has never been in a lawyer-client relationship, there appears to be nothing unprofessional in the lawyer acting (in person) as the solicitor to the purchaser since he is the purchaser. But the lawyer should know when to not act also for the vendor while acting for himself.⁶³ It is respectfully also advised that in such a case, the lawyer should engage the services of another lawyer, especially where he himself acting for both parties might raise issues regarding conflict of interest on the part of the lawyer. This is because, in Nigeria, Legal Ethics requires⁶⁴ that a lawyer shall not accept a legal job where the exercise of the lawyer's independent professional judgment on behalf of a client will be or is likely to be adversely affected by the acceptance of the job, or if it is likely to involve him in representing differing interests, unless it is obvious that the lawyer can adequately represent the interest of each, and each has consented to such a representation after full disclosure of the possible effect of such representation on the exercise of the lawyer's independent professional judgment on behalf of each party. In respect of litigation, the position of legal ethics is that a lawyer shall not appear as counsel for a client in legal proceedings in which the lawyer is himself a party.⁶⁵ To what extent this rule will apply outside court proceedings appears not yet adequately discussed and unambiguously delineated.⁶⁶ However, where a lawyer is required to decline employment or to withdraw from employment under any of these rules, no partner, or associate, or any other lawyer or lawyers affiliated with him or his firm, may accept or continue such employment.⁶⁷ Besides, the lawyer must act in good faith, ensuring full disclosure of all his/her interests in the transaction in line with Legal Ethics.⁶⁸ Where the lawyer considers that acting for both parties would not lead to conflict of interest, he must ensure that important agreements between him and the client are, as far as possible, reduced into writing, although it is dishonorable for the lawyer to evade or avoid performance of a contract fairly made with his client, whether or not reduced into writing.⁶⁹ Further, a lawyer shall not do any act whereby for his personal benefit or gain he abuses or takes advantage of the confidence reposed in him by the client, and where a lawyer collects money for his client, or is in position to deliver property on behalf of his client, he shall promptly report, and account for it and shall not mix such money or property with, or use it as, his own.⁷⁰

5. The Limits of the Decision in *NBA v. Ibejunjo*

Is Land a 'Commodity'?

Legal Ethics requires that lawyers should not combine law practice with 'the business of buying and selling commodities' or the business of a commission agent, or such other trade or business which, in the opinion of the General Council of the Bar, is incompatible with practice as a lawyer or tends to undermine the high standing of the profession. This raises a question as to whether land is a commodity? Can sale of be properly described as sale of a commodity? The term 'commodity' has been defined as an article of trade or commerce especially an agricultural or mining product that can be processed and resold. It includes only tangible goods such as products or merchandise; could also mean an economic good like a raw material or an agricultural product.⁷¹ It is therefore submitted that land is not a commodity, and as such sale of land does not come within the province of the prohibitions envisaged by the RPC.⁷²

Golden Rule to the Rescue

Discussions above raise a pertinent question as to whether the decision in *NBA v Ibejunjo* could reasonably be stretched to render incompatible with the practice of law, a lawyer's involvement in sale of land transactions in a manner that does not diminish the high standing of the legal profession and exemplifies a high standard of professional conduct on the part of the affected lawyer. It is respectfully submitted the answer is in the negative, reason being that to stretch the judgment to such a level might mean punishing all lawyers in Nigeria for the sins of only one of their colleagues, exactly in the manner of tagging all fingers oily only because a single finger has touched the oil. To appreciate where the writers are coming from, one needs to advert one's mind to a very curious aspect of the decision in *NBA v Ibejunjo*; although the question as to 'whether the business of selling land is incompatible with the practice of law in view of rule 7(3) of the Rules of Professional Conduct' was also considered by the LPDC in that case, yet, it would appear that the major reason for the directive that Mr Ibejunjo's name be struck off from the roll, was the fraud and dishonorable conducted exhibited by Mr. Ibejunjo against the purchaser in the purported land transaction. This proposition is heightened when one recalls that, in this case, and while acting as a vendor and presenting himself as a legal practitioner at the same time, Mr Ibejunjo had abused or taken undue advantage of the confidence reposed in him by the purchaser. It was thus the dishonorable conduct of Mr Ibejunjo, and not his mere personal involvement in a sale of land transaction, that had led to that declaration. It is safe to hold the view that a lawyer who engages in sale of land transactions in a manner that maintains the high standard of the profession and engenders confidence in legal practitioners generally, depending on the circumstances, may not be considered to have engaged in any conduct incompatible with the practice of law. Further support for this view may be found in a paper titled, 'Ethics

⁶³ see Rule 17, RPC and *Smith v. Mansi*, relating to existence of conflict of interest

⁶⁴ RPC, rule 17(4)

⁶⁵ Rule 17(5)

⁶⁶ The authors' view

⁶⁷ Rule 17(6) RPC

⁶⁸ as encapsulated in Rule 17 RPC

⁶⁹ see Rule 18(2) RPC

⁷⁰ Rule 23 RPC

⁷¹US Legal Inc, 'Commodity Law and Legal Definition' (Commodity Law and Legal Definition | USLegal, Inc.) <<https://definitions.uslegal.com/c/commodity/#:~:text=Commodity is an article of,material or an agricultural product.>> accessed November 7, 2021

⁷² Aladekomo agrees with this position (n. 48)

and The Legal Profession,' wherein the learned author⁷³ accurately represented the reason behind LPDC's decision on striking out Mr. Ibejunjo's name from the Roll in that case:

a lawyer shall not do any act whereby for his personal benefit or gain, he abuses or takes advantage of the confidence reposed in him by his client. In *NBA v. IBEBUNJO*, the respondent, putting himself forward as 'Barr. A. A. Ibejunjo', fraudulently obtained from the Complainant the sum of N1.6 Million under the pretext that he sold to him 8 plots of land in 2002. However, the Complainant was unable to take possession of the land or receive a refund of his money despite repeated demands. He was found liable of infamous conduct in the course of the performance of his duty as a legal practitioner.

Obviously, Mr Ibejunjo was found to have failed to 'maintain the high standard of professional conduct' required of legal practitioners. His conduct was found to be 'unbecoming of a legal practitioner,'⁷⁴ and to have thus 'brought a great dent on the image of the profession and the only remedy is [for him] to exit from the profession.'⁷⁵ The demands of 'the justice of this case' required that Mr Ibejunjo should 'leave the business of practicing law to those who are *bona fide* legal practitioners'⁷⁶ It is accordingly respectfully submitted that any attempt to generalize or to take the embargo on its face value, might result in taking away a very crucial aspect of law practice, thereby further muzzling legitimate horizons law practice in the long run forcing many more lawyers into joblessness and frustration while non lawyers operate as kingly priests in what ordinarily is the lawyers priestly province. Such could not have been the intentions of the framers of Rule 7 of the RPC, and such is certainly not good news for the profession and its members, especially because there is no proof that all lawyers who engage in buying and selling of land, would end up defrauding their clients or other parties. In the case of *Atake v Afejuku*,⁷⁷ the Supreme Court explained the scope of practice of law:

Black's Law Dictionary, 5th Edition at page 1055 defines 'Practice of Law' as follows: 'The rendition of services requiring the knowledge and the application of legal principles and technique to serve the interests of another with his consent. *R.J. Edwards Inc. v. R.L. Hart OKL 504 P2d 407,416*. It is not limited to appearing in court or advising and assisting in the conduct of litigation, but embraces the preparation of pleadings and other papers incident to actions and special proceedings; conveyancing, the preparation of legal instruments of all kinds and the giving of all legal advice to clients. It embraces all advice to clients and all action taken for them in matters connected with law. *Rhode Island Bar Association v. Lesser 68 P.114 26A 2d. 6.7*. An attorney engages in the 'practice of law' by maintaining an office where he is held out to be an attorney, using a letter head describing himself as an attorney, counseling clients, in legal matters, negotiating with opposing counsel about pending litigation and fixing and collecting fees for services rendered by his associate. *State v. Scumacher 214 Kan 1 1510 P. 2d, 115 1227*.

Implication of Right to Acquire and own Immovable Property

Every citizen of Nigeria has a right to acquire and own immovable property in any part of Nigeria.⁷⁸ This raises a crucial question: if a citizen possesses a right to own land in Nigeria, is it not automatically implied that every citizen has a right to acquire land or real property, which translates to purchase of property since purchase is one of the ways of acquiring title to land? The right to acquire or own land, in itself, implies right to dispose of the same. One therefore wonders why any court ruling or pronouncement could be interpreted in any manner calculated to represent same as having taken away from a citizen, a right to sell or dispose of land, which without doubt is constitutional in nature. One more thing to ask is whether the right to acquire, own, dispose of or sell land does not come with a corollary right to appoint or authorise another⁷⁹ to do any of these on your behalf. This leads to a further question as to the propriety otherwise of a lawyer acting as a grantee in a Power of Attorney for purposes of sale or purchase of land.

Lawyer as a Grantee of a Power of Attorney

A Power of Attorney is an instrument *authorizing a designated person to make decisions about another person's property on the owner's behalf*,⁸⁰ either generally or for special purposes. According to the American Bar Association,⁸¹ a power of attorney⁸² 'gives one or more persons the power to act on the your behalf as your agent. The power may be limited to a particular activity, such as closing the sale of your home, or be general in its application.... With a valid power of attorney,

⁷³ A paper presented at the Nigerian Institute of Advanced Legal Studies' (NIALS') training course on Leadership, Negotiation And Management Skills For Legal Practitioners, held in Abuja on November 07, 2016 <https://yusufali.net/articles/ethics_legal_profession.pdf> accessed August 05, 2021.

⁷⁴ See Rule 1, RPC

⁷⁵ *NBA v. Ibejunjo Op Cit.*, @428, paras. A-C

⁷⁶ *Op Cit* @428, paras. A-C

⁷⁷ *Atake v. Afejuku* (1994) LPELR-585(SC), Per IGUH, J.S.C (Pp. 71-72, paras. F-D)

⁷⁸ The Constitution of the Federal Republic of Nigeria, 1999, section 43. See also *Ukaobasi v. Ezimora & ors* (2016) LPELR-40174(CA), Per Yakubu, J.C.A (P. 30, paras. D-F)

⁷⁹ Provided the grantee is legally capable

⁸⁰ AdAm Hayes, ' Power of Attorney (POA): Meaning, Types, and How and Why to Set One Up' (Investopedia, 4 July 2022) < <https://www.investopedia.com/terms/p/powerofattorney.asp>> accessed 6 November 2022

⁸¹ The national association of lawyers in the United States of America.

⁸² American Bar Association, ' Power of Attorney' (American Bar Association 2022) < https://www.americanbar.org/groups/real_property_trust_estate/resources/estate_planning/power_of_attorney/> accessed 6 November 2022

your agent can take any action permitted in the document'. In answer to the question, 'Who should be your Agent' in a Power of Attorney, the Association explained that no special qualifications are necessary for someone to act as an attorney-in-fact except that the person must not be a minor or otherwise incapacitated.⁸³ It appears from this definition that lawyers are not excluded from the scope of persons qualified to act as attorneys for purposes of power of attorney; in the United States of America (USA), a lawyer may be appointed an attorney to represent the donor in a sale of land transaction. In the United Kingdom (UK), it appears the position of the law is that anyone may be appointed an attorney, including any professional, such as a solicitor.⁸⁴ It is respectfully therefore submitted that donation of powers of attorney to lawyers is a universal phenomenon, and that there is hardly any law that bars lawyers from being appointed agents to act on behalf of any party in a sale of land transaction, in Nigeria or anywhere.

More Perspectives from Other Jurisdictions

As conveyancing is a worldwide phenomenon, involvement of lawyers in sale of land transactions is not limited to Nigeria. The illustrations from use of power of attorney in land transactions in the USA and in the UK easily testify to this. One more example may be drawn from Kenya⁸⁵ where lawyers play prominent roles in sale of land transactions -- ranging from representing the seller or buyer⁸⁶ in negotiating the purchase price of the desired property, conducting due diligence on the property to acting as agents for either party. Besides, as buying and selling of land is a critical process, the high risks involved in it are more easily identified and mitigated or eliminated by retaining the services of an experienced lawyer. Paucity or lack of information or awareness on the part of buyers and sellers make involvement of lawyers desirable to avert or minimize these errors which sometimes could be costly.⁸⁷

6. Conveyancing Transactions Other than Sale of Land

Another important question to consider is whether the literal interpretation of the ruling in *NBA v. Ibejunjo* extends to such other conveyancing transactions as mortgages, wills, administration of estate, leases and tenancies, creation or donation of power of attorney, among others. The decision in *NBA v. Ibejunjo* appears to relate specifically to 'selling and buying of land', and says nothing about the other mentioned conveyancing transactions. One way of resolving this issue, is to suggest that, applying the Mischief Rule⁸⁸ of interpretation, the decision ought to extend to all conveyancing transactions, especially as they are similar to sale of land; hence, there appears hardly to be any reasons for segregation. But then, the contrary view could be that the LPDC should be presumed to have said what it meant and to mean what it said. Besides, the mere fact the LPDC did not expressly extend the ruling to such other transactions, might be seen as a testimony that the actual intention could be to penalize Mr Ibejunjo for his dishonourable conduct, and not really to bar lawyers generally. The writers subscribe to the latter suggestion; since the principle in *NBA v. Ibejunjo* relates to sale of land, it would be dangerous (assuming the literal interpretation is preferred) to extend the embargo to all manner of land transactions outside sale of land. Such an interpretation might result, as has been suggested above, to have the capacity of uprooting or of dangerously and unreasonably tampering with a crucial segment of the legal practice space; it might be seen as an attempt at inserting into the decision what is obviously not there. Besides, it might give support to the widespread view that Nigerian Lawyers themselves are their own worst enemies -- yes, because such would mean that lawyers are the ones working so hard to take away from themselves what rightfully is their own, and to hand same over to non-lawyers. Of course, by the time all these have been taken away from law practice, one wonders what other jobs would be available for lawyer in Nigeria. In this respect, it appears crucial to look into how and in what areas activities of non-lawyers have over the years, led to a steady muzzling of the law practice space, and whether lawyers are not contributors to this anomaly

7. Persistent Diminution of the Legal Practice Space

As the present writers have found, it is sad that non-lawyer professionals within and outside Nigeria, stealthily but steadily, have been working hard to take away from lawyers, many aspects of the lawyers' traditional jobs, thereby leading to what could be described as muzzling of lawyers. Much more saddening is that lawyers and the legal profession appear either to be doing little or nothing to ward off these external incursions or have even constituted themselves willful or negligent contributors to deepening of the problem. Examples abound.

The LPDC as an Albatross around the Neck⁸⁹

An example is seeming, unnecessary blanket ban which the LPDC (comprising exclusively lawyers) appears to have handed out against lawyers in the case under review -- a ban which the current authors respectfully see as both an exhibition of needless over-zealousness and an unjustifiable hasty generalization in a situation where there hardly appears to be any evidence that other Nigerian lawyers who get involved in actual 'selling and buying of land' would end up defrauding their clients or the purchasers, unlike what happened in the case of Mr Ibejunjo. It is respectfully further suggested that striking

⁸³ *Ibid*

⁸⁴ Age UK, 'Choosing an Attorney' (Age UK, 2022) <<https://www.ageuk.org.uk/information-advice/money-legal/legal-issues/power-of-attorney/choosing-an-attorney/>> accessed 6 November 2022

⁸⁵See: Caroline N. Mutisya , 'The Role Of A Lawyer When Purchasing Property' (IR Global, 18 AUgust 2022) <<https://www.irglobal.com/article/the-role-of-a-lawyer-when-purchasing-property/>> accessed 6 November 2022

⁸⁶ Depending on who they act for.

⁸⁷ *Ibid*

⁸⁸ See: *Smith v Hughes* LR 6 QB 597; *Heydon's Case* (1584) 76 ER 637.

⁸⁹ If you describe something or someone as an albatross around your neck, you mean that they cause you great problems from which you cannot escape, or they prevent you from doing what you want to do. See: HarperCollins Publishers, 'Definition of \albatross\'' (Collins COBUILD Advanced Learner's Dictionary, 2022) <<https://www.collinsdictionary.com/dictionary/english/albatross>> accessed 5 November 2022

out Mr. Ibejunjo's name, and doing nothing more other than ordering Mr. Ibejunjo to refund all monies he had fraudulently collected from the supposed purchaser (Mr. Ezeife) could have served as sufficient punishment for Mr. Ibejunjo's ignoble and inglorious conduct. Further, it might be considered curious that the NBA⁹⁰ had in that case had framed a second and an unnecessary⁹¹ complaint pertaining to the import, application or scope of Rule 7 (2) and (3) of the RPC, which the LPDC later considered, leading to the pronouncements pertaining to the seeming total ban on lawyers' personal participation in sale of land transactions. The ruling of the LPDC in *NBA v Ibejunjo* therefore appears to prove that the legal profession itself sometimes makes itself a major contributor to the unfortunate choking of the Legal Practice Space; such is one further example of the needless intrusions into the lawyer's job. Some other examples are discussed below.

The Coup against Lawyers in Nigeria by the CAC and the Minister of Trade and Investment

Under the CAMA,⁹² 1990, regarding company formation, a statutory declaration⁹³ by a legal practitioner engaged in the formation of a company must be produced before a company can be incorporated. Thus, lawyers were indispensable in the process of incorporating a company. However, on 5 April 2017, and in pursuance of the Federal Government's ease-of-doing-business concept/index,⁹⁴ the Nigerian Minister of Industry, Trade and Investment amended the *Companies Regulation, 2012*⁹⁵ by inserting among others, a new Regulation 11(b) which in essence was aimed at whittling down the role of legal practitioners (other than those who were in the employment of the CAC) in the process of registration of companies. Specifically, the amendment handed over to CAC's in-house lawyers the role of signing CAC's Form of Statutory Declaration of Compliance, required to be signed by lawyers⁹⁶ with the result that when a new Company's first directors or subscribers presented an application for registration, lawyers in private practice would hardly ever have the opportunity of signing these Forms for their clients. It meant that private practitioners would no longer be required in the process of registration of companies. However, this action was challenged at the Federal High Court⁹⁷ by a lawyer⁹⁸ and was subsequently struck down in a landmark judgment⁹⁹. A quicker opportunity to realise their¹⁰⁰ intentions later came¹⁰¹ in the CAMA, 2020 which has now completely relegated lawyers by removing from lawyers, the exclusiveness of the right to sign the Form,¹⁰² to the extent that as it stands now, in company formations, the statutory declaration need not be signed by a legal practitioner.¹⁰³ Unfortunately, it is doubtful if NBA leaders did anything to stop the change for the worse for lawyers.

Intrusion by Foreign Notaries

In Nigeria, Notaries Public are *legal practitioners who, upon application to be so appointed, are considered 'fit and proper persons' and appointed by the Chief Justice of Nigeria*¹⁰⁴ as officers of the Supreme Court of Nigeria with powers to attest to the authenticity of documents and thus making such documents recognisable internationally for any purposes.¹⁰⁵ Notaries Public in Nigeria offer certain essential paid services,¹⁰⁶ which serve as a great source of income to the Notaries Public apart from attesting to the integrity of documents. However, some foreign embassies and consulates in Nigeria have recently introduced in-house Notaries for purposes of attesting to relevant documents, and this practice has taken jobs away from

⁹⁰ Which in that case, had acted as the investigator and prosecutor?

⁹¹ Unnecessary because land is not a commodity, neither is a lawyer a commissioned agent.

⁹² Companies and Allied Matters Act, 1990, Cap C20, Laws of the Federation of Nigeria, 2004

⁹³ Section 35(3) Companies and Allied Matters Decree 1990 (now CAPC 20, VOL III, LFN 2004).

⁹⁴ Ease of doing business is an index published by the World Bank. It is an aggregate figure that includes different parameters which define the ease of doing business in a country. See: 'What Is Ease of Doing Business? Definition of Ease of Doing Business, Ease of Doing Business Meaning' (*The Economic Times*, November 3, 2022) <<https://economictimes.indiatimes.com/definition/Ease-of-doing-business>> accessed November 5, 2022

⁹⁵ The Company Regulations, 2012, was made by the then Honourable Minister of Trade & Investment, Dr. Olusegun Aganga, CON, on 28 May 2012, to codify some established practices and conventions not properly addressed by the substantive provisions of the Companies and Allied Matters Act (CAMA), Cap C20, Laws of the Federation of Nigeria (LFN), 2004. The Regulation was made pursuant to Sections 16, 585 and 609 of the CAMA.

⁹⁶ pursuant to section 35(3) of Companies and Allied Matters Act (CAMA) Cap. 20 LFN 2004. Cap C20 has now been repealed and reenacted as the Companies and Allied Matters Act (CAMA), 2020, signed into law on August 07, 2021.

⁹⁷ The suit (suit No: FHC/KN/CS/86/2018) was filed on Friday, 11 May 2018.

⁹⁸ Mr. Ernest Nkwocha, a Kano based Constitutional Lawyer

⁹⁹ 'Court Bars CAC Lawyers from Depositing To Statutory Declaration Of Compliance Requirements For Registration Of New Companies' (NigeriaBar) <<http://www.nigeriabar.com/2018/11/court-bars-cac-lawyers-from-depositing-to-statutory-declaration-of-compliance-requirements-for-registration-of-new-companies#.XhUgUEdKjIU>> accessed October 31, 2022. However, determined to achieve its plans, the CAC quickly appealed the judgment. See: 'CAC Appeals Courts Judgement Restraining Its Lawyers From Further Depositing To The Statutory Declaration Of Compliance Requirement.' (LEDAP/January 25, 2019) <<http://ledapnigeria.org/cac-appeals-courts-judgement-restraining-its-lawyers-from-further-depositing-to-the-statutory-declaration-of-compliance-requirement/>> accessed November 05, 2022

¹⁰⁰ The CAC and the Minister

¹⁰¹ Without any challenge/opposition from the Bar in Nigeria.

¹⁰² Statutory Declaration of Compliance

¹⁰³ See CAMA, 2020, section 40

¹⁰⁴ See the Notaries Public Act 1936, section 2(1).

¹⁰⁵ Adu, Dayo and Adeniyi, Akinbobola 'Notary Public Services in Nigeria' (Mondaq, 4 June 2020) <<https://www.mondaq.com/nigeria/management/947460/notary-public-services-in-nigeria>> accessed 5 November 2022

¹⁰⁶ *Ibid*

duly qualified Notaries Public in Nigeria. An example, on the official website of the Embassy of the United States of America in Nigeria, the following notice/advert¹⁰⁷ is boldly displayed:

... Notary services are available to all U.S. passport holders and foreign nationals for documents destined to be used in the United States. The fee is 50 U.S. dollars (USD), or the Nigerian Naira (NGN) equivalent, for each notary seal stamp administered. The NGN to USD exchange rate may vary. All services must be paid for upfront in cash. We do not accept any form of card payment or personal checks....

Unlawful Activities of Registry Officials

Officials of Probate Registries¹⁰⁸ and Land Registries¹⁰⁹ across Nigeria, staff members of the registries are in the habit of advising prospective applicants for Letters of Administration, Probate, Resealing (in the probate registries), and for Perfection and Regularization of Land Documents, titles and transactions, etc., to bring their applications and documents direct to the probate and land registries for registration, processing, and perfection, respectively as the case may be. The wordings of the Legal Practitioners Act¹¹⁰ leave no one in doubt about the role it has assigned to lawyers in the process of application for, and processing of, documents for probate or letters of Administration.¹¹¹ Besides, a person shall not be entitled to practice as a barrister and solicitor in Nigeria if his or her name is not on the roll.¹¹² In clear violation of these, lawyers' jobs are being diverted in this way in the various Registries and Departments in Nigeria.

Unlawful Activities of Law Enforcement Agencies

Officers and men of the Nigerian Police and some other Law Enforcement agencies in Nigeria have developed the habit of advising suspects, accused persons, arrested persons and detainees that they have no need for lawyers. The Nigerian Police in particular, have made themselves a debt recovery agency, and collecting a commission of *ten percent* and above for monies recovered on behalf of creditors from defaulting debtors who are more often than not, treated by the Police as criminal suspects so as to blackmail them into paying up their debts. This is contrary to clear pronouncements of the Supreme Court of Nigeria warning security agencies to stay off pure civil disputes.¹¹³ 'Ten percent'¹¹⁴ charge ordinarily is the commission lawyers charge in Nigeria and collect for services rendered towards legal jobs relating to debt recovery, *et cetera*. Further, at the various zonal offices of the Economic and Financial Crimes Commission (EFCC),¹¹⁵ Nigerian lawyers are hardly allowed to operate. Notwithstanding that section 8(2) of the Administration of Criminal Justice, Act (the Act), 2015 provides that *a suspect shall not be arrested merely on a civil wrong or breach of contract*,¹¹⁶ and notwithstanding the

¹⁰⁷'Notarial Services' (U.S. Embassy & Consulate in Nigeria) <<https://ng.usembassy.gov/u-s-citizen-services/local-resources-of-u-s-citizens/notaries-public/>> accessed August 05, 2021.

¹⁰⁸ In Nigeria, the Probate Registry of most States is where all the activities relating to obtaining legal instruments to facilitate the administration and management of estates of a deceased person, take place. It is an effective channel of dispensing justice in matters of testacy and intestacy. Such activities include obtaining letters of administration and grant of probate and all other ancillary matters relating to the administration of deceased Estates. See: <<https://www.mondaq.com/nigeria/wills-intestacy-estate-planning/725118/the-improved-probate-registry-of-the-high-court-of-lagos-state>> accessed 16 March 2022.

¹⁰⁹ The Land Registry is a saddled with the responsibility of keeping an updated record of all land transactions in Lagos State. Functions of the Land Registry of a State include Storage of proper records of all Land transactions within the State; Registration of Deed/Assent/Vesting Deed, Court Judgment, Deed of Release, issuance of loss of documents, Certified True Copy (CTC), and conducting search; Registration of instrument affecting Land in Lagos; Administration of the Electronic Document Management System (if any); Scanning of Title Documents, among others. See: <<https://landsbureau.lagosstate.gov.ng/directorate-of-land-registry/>> accessed 19 March 2022

¹¹⁰ Section 22(d)

¹¹¹ See the Legal Practitioners Act, CAP L11, LFN, 2004, section 24.

¹¹²*Op Cit.*, section 2.

¹¹³ See EFCC v. Diamond Bank (2018) LPELR-44217 (SC) page 23 paragraph A-D & page 25-26, para B-B. See also Diamond Bank v. Peter Opara (2018) LPELR-43907 (SC)

¹¹⁴ Ten percent is the *customary charge of the Bar (lawyers in Nigeria) for actual monies recovered on behalf of clients, when the parties elect the percentage fee. The ten percent charge usually excludes the professional legal fee and out of pocket expenses*

¹¹⁵ The menace of economic and financial crimes like Advance Fee Fraud (419), Money Laundering, etc, and the recognition of the magnitude and gravity of the situation led to the establishment of the Economic and Financial Crimes Commission (EFCC). Established by the the EFCC (Establishment) Act 2002 which mandates the EFCC to combat financial and economic crimes. The EFCC is empowered to prevent, investigate, prosecute and penalise economic and financial crimes and is specifically charged with the responsibility of enforcing the provisions of other laws and regulations relating to economic and financial crimes, including: Economic and Financial Crimes commission Establishment act (2004); The Money Laundering Act 1995; The Money Laundering (Prohibition) act 2004; The Advance Fee Fraud and Other Fraud Related Offences Act 1995; The Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act 1994; The Banks and other Financial Institutions Act 1991; and Miscellaneous Offences Act. In addition, the EFCC is a key agency of government responsible for fighting terrorism. See: <<https://www.efcc.gov.ng/about-efcc/the-establishment-act>> accessed 5 November 2022.

¹¹⁶ See Chukkol O.G., 'Use of Law Enforcement Agents to Recover Debt Is Illegal – O. G. Chukkol' (DNL Legal and StyleDecember 22, 2017) <<https://dnllegalandstyle.com/2017/use-law-enforcement-agents-recover-debt-illegal-o-g-chukkol/>> accessed August 05, 2021.

pronouncements of Nigerian Courts, some potential clients still resort to using these law enforcement agents.¹¹⁷ In *Anogwie v. Odom*,¹¹⁸ the Court of Appeal stated thus:

...the invitation of the police to intervene in a matter that is purely civil in nature cannot be justified under any circumstances. The duties of the Police as provided under Section 4 of the POLICE ACT, Cap 359 LFN 1990 does not include the settlement of civil disputes or the collection of debts or enforcement of civil agreements between parties.

Normalization of Self-Help Procedures

Many prospective clients (to lawyers in Nigeria) of late, more often than not, prefer to take the law into their own hands by enlisting the services of members of the O'dua Peoples' Congress (OPC),¹¹⁹ Movement for the Actualization of the Sovereign State of Biafra (MASSOB),¹²⁰ Indigenous People of Biafra (IPOB),¹²¹ AREWA Youths, or even retired or active militants, ethnic militias, areas boys, thugs and even social miscreants and louts, etc., to get their legal jobs done quick – jobs which range from debt recovery, ejection of recalcitrant tenants to settlement of scores with perceived social, community or political enemies, etc. Some other prospective clients prefer to use serving or retired military men for a quick action.

Persecution and Frustration from Within

In the Law Firms, where lawyers are supposed to feel at home, most (of course, not all) senior lawyers/colleagues treat their juniors in Chambers, as rags or salves.¹²² Some Law Firms owe salaries of fee earners¹²³ for months while some others pay peanuts as monthly salaries -- pay that is hardly able to cover the affected fee earners' transportation cost in one month.

Extrajudicial, Extralegal and Underhand Operations of Some Organizations and Persons in Nigeria

Outside the Law Firm, while some establishments claim they have no jobs for lawyers, the truth is, they get these otherwise legal jobs done through extralegal or extrajudicial means.¹²⁴

Rot inside the Courtroom

Then, what happens within the precincts of the courtrooms -- courts of justice? There are incessant cases of court-is-not-sitting, dirty deals, corruption, kickback, needless and annoying adjournments and other delays and delay-tactics, mostly perpetrated by lawyers, litigants, court officials and (in some cases) presiding judicial officers alike. The result is that litigation is becoming increasingly unattractive to ordinary clients who take their cases to the courts in genuine expectation of quick and fair dispensation of justice. However, discouraging and disheartening reports¹²⁵ emanating from the courts constitute an increasing source of worry and discouragement to these prospective litigants. There were recent reports about the stench oozing out of the Lagos State judiciary.¹²⁶ The result of all these is a steady decline in the number of clients who are willing to settle their cases by litigation, which automatically translates to fewer jobs for the litigation advocates.

¹¹⁷ These authors believe the unacceptable slowness in the system of court justice administration in Nigeria is majorly responsible for this habit on the part of many creditors (prospective clients) in either avoiding the courts or being reluctant to approach the courts especially in debt recovery matters. A suit to recover a sum as low as N1 million Naira could last up to five years in the court of first instance, and there could be an appeal which might take a much longer period to conclude, up to the apex court. By the time the creditor succeeds (if he ever does), the money would have lost its value. And when you add this to the legal charges, the appearance fees to lawyers, corruption in the system, prevalence of technicalities which have constituted a major obstacle to attainment of justice in Nigeria, many consider going to court a waste of time. As a practical alternative, irrespective what the law says, they consider resort to the Police and other law enforcement agencies as cheaper, less complicated, less technical, and less time-consuming.

¹¹⁸ (2016) LPELR-40214 (CA). see also *Skye Bank Plc v. Emerson Njoku & Ors* (2016) LPELR-40447(CA)

¹¹⁹ ABOUT OPC, see: <https://en.wikipedia.org/wiki/Oodua_Peoples_Congress> accessed November 05, 2022.

¹²⁰ see: <https://en.wikipedia.org/wiki/Movement_for_the_Actualization_of_the_Sovereign_State_of_Biafra> accessed November 05, 2022.

¹²¹ See:

<https://www.google.com/search?q=ipob&rlz=1C1DVJR_enNG862NG867&oq=ipob&aqs=chrome..69i57j69i59l2j69i60l5.1040j0j9&sourceid=chrome&ie=UTF-8>

¹²² See Udemezue S.C, 'Bar Associations and the Sad Story of Nigerian Lawyers – Sylvester Udemezue' (DNL Legal and Style November 3, 2017) <<https://dnllegalandstyle.com/2017/bar-associations-sad-story-nigerian-lawyers-sylvester-udemezue/>> accessed August 05, 2021

¹²³ Lawyers who work in Law Firms are classified as 'fee earners,' as opposed to the non-lawyer employees in the Law Firms who are collectively classified as the 'to support staff.'

¹²⁴ See for example: LoyalNigeriaLawyer, 'NBA Benin Branch, Estate Agent Association meet, Discuss Ways to End the Shortchange of Lawyers' Due Fees' (LoyalNigeriaLawyer.com, 3 October 2020) <<http://loyalnigeria.com/nba-benin-branch-estate-agent-association-meet-discuss-ways-to-end-the-shortchange-of-lawyers-due-fees/>> accessed 5 November 2022

¹²⁵ See for example 'Nigeria: How Judicial Officials Extort Lawyers in Lagos Courts' published on <https://allafrica.com/stories/201908250032.html>

¹²⁶ Such reports as 'Justice for Sale (I & II): Extortion, Injustice prevail in Lagos State Courts' <<https://www.icimigeria.org/justice-for-sale-ii-extortion-injustice-prevails-in-lagos-state-courts/>> accessed November 02, 2022

Activities of Louts, Land Speculators, and Land Grabbers

The *Omo N'Ille*¹²⁷ quacks and other non-expert Land Speculators and Grabbers unleash their own terror on legal practice. To checkmate the activities of these land grabbers in Lagos State, Governor Akinwunmi Ambode had on 15 August 2016, signed into law the *Lagos State Properties Protection Law, 2016*, which is geared towards the prohibition of forceful entry and illegal occupation of landed properties, violent and fraudulent conducts in relation to landed properties in Lagos state. The main objective of the law is to provide legal comfort and assurance to interested investors that they can carry on legitimate land and property transactions without fear of harassment, intimidation or unnecessary exploitation by these land grabbers.¹²⁸ The Anambra State of Nigeria had earlier in 2012 enacted the *Prohibition of Fraudulent Practices on Land and Property Law 2012*.¹²⁹ Activities of these land grabbers, which cut across states in Nigeria, have serious adverse effects on conveyancing law practice in Nigeria; indeed, it is one of the major challenges faced by lawyers in conveyancing practice in Nigeria. Some writers have tried to explain the menace of land grabbers,¹³⁰ but the phenomenon persists. Recently, the Lagos State Government vowed to go tough on land grabbers.¹³¹

Illegal Intrusion Into the Law Practice Space By Banks and other Corporate Bodies

The law in Nigeria is that, unless permitted by the General Council of the Bar (GCB),¹³² a lawyer shall not practice as a legal practitioner at the same time as his practice any other profession.¹³³ Further, it is unlawful to carry out legal practice as a corporation.¹³⁴ This notwithstanding, recently, Union Bank of Nigeria,¹³⁵ placed an advert representing the Bank as a legal-services provider, apart from being a Banker; two clearly incompatible occupations.¹³⁶ It took open protestation and condemnation¹³⁷ by so many lawyers before our Nigerian Bar leadership¹³⁸ took relevant steps to kick against¹³⁹ and halt the stray by Union Bank. It did not stop with Union Bank.¹⁴⁰ It could not have stopped since the Bar has not taken drastic steps to ward off such illegal incursions into law practice areas. Besides, seeing that lawyers have, by their actions, inactions, or neglect, the lawyers in Nigeria have failed to win, gain or retain the confidence of many prospective clients, some unscrupulous outsiders have cashed in on these lapses on the part of both lawyers and the legal profession, to steal and take away, in broad daylight, lawyers' traditional jobs, most times with impunity.¹⁴¹

Illegal Farming-Out of Legal Briefs to Lawyers Abroad

Some Federal and State Government agencies prefer to farm out to lawyers in foreign lands, legal jobs meant for lawyers called to the Bar in Nigeria, in breach of the Legal Practitioners Act which forbids law practice in Nigeria by anyone who was not duly called to the Nigerian Bar,¹⁴² save for the purpose of special proceedings after having fulfilled conditions prescribed by law.¹⁴³ Udemezue¹⁴⁴ has had cause to make the following observations on this:

... a large chunk of the biggest legal jobs in Nigeria (legislative drafting, etc.) are usually given out to foreign law firms, in America, Canada, UK, etc at cut-throat foreign currencies, while Nigerian lawyers, who are more often than not, more capable and competent and of course willing to work, are left to fight over crumbs and pieces from the table of the non-Nigerian Lawyers!!! One may even ask a question, what has become of the Nigerian laws that say a person who is not qualified as a lawyer in Nigeria cannot practice law in Nigeria? Do those provisions not forbid giving lawyers' job in Nigeria to non-Nigerian lawyers? Where is the Nigerian

¹²⁷ a Yoruba term used to describe land grabbers

¹²⁸ See <<https://omonilelawyer.com/lagos-state-properties-protection-law/>> accessed November 02, 2022

¹²⁹ See < <http://www.iosrjournals.org/iosr-jestft/papers/Vol113-%20Issue%205/Series-2/G1305025158.pdf>> accessed November 02, 2022

¹³⁰ See 'Why Land Grabbers Are On The Prowl' published on <<https://www.independent.ng/why-land-grabbers-are-on-the-prowl/>> accessed November 05, 2022.

¹³¹ <https://www.pnnewsnigeria.com/2019/08/26/lagos-vows-to-go-tough-on-land-grabbers/>

¹³² The GCB is established under by the Legal Practitioners Act, CAP L11, LFN, 2004, section 1.

¹³³ RPC, Rule 7(1).

¹³⁴ *Op Cit*, Rule 5(5)

¹³⁵ A financial institution

¹³⁶ See RPC, Rules 5(5) and 7.

¹³⁷ 'Lawyer Faults NBA over Bank's Free Legal Services' (The Guardian Nigeria News - Nigeria and World News, May 1, 2018) <<https://guardian.ng/features/lawyer-faults-nba-over-banks-free-legal-services/>> accessed November 05, 2022.

¹³⁸ (Public Notice On The Legal Advisory Services & Alternative Dispute Resolution Offered To The Public By Union Bank Nigeria Plc) <<https://www.nigerianbar.org.ng/index.php/news/1/386-public-notice-on-the-legal-advisory-services-alternative-dispute-resolution-offered-to-the-public-by-union-bank-nigeria-plc>> accessed 3 November 2022

¹³⁹ irresponsibility and mischief

Ifeoma P, 'NBA Condemns Union Bank's Move to Offer Legal Services' (DNL Legal and Style April 18, 2018) <<https://dnlegalandstyle.com/2018/nba-condemns-union-banks-move-to-offer-legal-services/>> accessed 1 November 2022

¹⁴⁰ See: Sylvester C. Udemezue, 'Law Practice In Nigeria: Then Enters A 'Learned Colleague' Called 'Prepaid Legal Services Limited' Even As Lawyers and the Bar Look On' (BarristerNG, 15 June 2021) < <https://barristerng.com/law-practice-in-nigeria-then-enters-a-learned-colleague-called-prepaid-legal-services-limited-even-as-lawyers-and-the-bar-look-on/>> accessed 5 November 2022.

¹⁴¹ *Ibib*

¹⁴² Section 22, LPA

¹⁴³ section 24 and 2 LPA; *Awolowo v Sarki* (1966)1 All N.L.R. 178

¹⁴⁴ Udemezue S.C, 'Bar Associations and the Sad Story of Nigerian Lawyers – Sylvester Udemezue' (DNL Legal and Style, November 3, 2017) <<https://dnlegalandstyle.com/2017/bar-associations-sad-story-nigerian-lawyers-sylvester-udemezue/>> accessed August 05, 2021

Bar Association its branches, and Nigerian lawyers doing about all this illegal exportation of just entitlement of Nigerian lawyers?

Brutalisation and Harassment of Lawyers in Lawful Performance of Their Jobs

Harassment, castigation and blackmailing Lawyers for appearing in court and taking up cases for their clients, which is their constitutional and statutory rights as lawyers, while the prosecutors, investigators and law enforcement agents who often mastermind these harassment and blackmail strive hard to obtain convictions (of the defendants) at all costs, in total disregard of universally acknowledged standards in criminal justice administration. Thus, many lawyers now operate in fear, afraid to honestly and diligently work for their own clients or in defence of rule of law¹⁴⁵

Place of Lawyers in ADR Processes

While lawyers spend huge resources training and retraining as professional Arbitrators, Mediators, and Conciliators, and ADR experts, it is seen at the community level, that much of the cases on arbitration, mediation and conciliation are taken before village heads, community leaders, town unions, and community associations, leaving the lawyer-mediator with nothing to show for the many arbitration and mediation Certificates he carries about. However, lawyers have a primary professional responsibility to discourage litigation and encourage out-of-court settlements.¹⁴⁶ However, how many lawyers ever get invited or involved in non-litigation and out-of-court settlement processes? Only a handful is these writers' answer. This notwithstanding, lawyers are encouraged to heed the counsel of Sandra Day O'Connor, US Supreme Court Justice to the effect that 'the courts of this country should not be the places where resolution of disputes begins. They should be the places where the disputes end after alternative methods of resolving disputes have been considered and tried.'¹⁴⁷ Abraham Lincoln's own admonition to lawyers was to 'discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser -- in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough'.¹⁴⁸

8. Peroration

Personal Involvement in Sale of Land Is not a Professional Misconduct in the Legal Profession

From the discussions above, the present authors believe that the LPDC should not be taken to have barred all lawyers in Nigerian from personal involvement in sale of land transactions save for those who abuse such right for fraudulent purposes. This interpretation accords more with reason, modern/global trends, and the reality on ground regarding extant law and practice in Nigeria, especially when one recalls that the word 'misconduct' or 'professional misconduct'¹⁴⁹ is not defined in any of the LPA and the RPC. One therefore turns to the the definition given in the famous case of *Allison v. General Council of Medical Education and Registration*,¹⁵⁰ where the court gave an insight as to when a professional misconduct could be said to have been committed:¹⁵¹

...infamous conduct in a professional respect would be committed where a medical man in the pursuit of his profession has done something with regard to it which would be reasonably regarded as disgraceful or dishonourable by his brethren of good repute and competency...the following are the three ingredients of infamous conduct in a professional respect: a. The act complained of must have been done in professional respect. b. It must be capable of disparaging or defaming his fellow practitioners. c. It must seek to attract business or obtain remuneration or fee which ordinarily would not be obtained.

Beside the above, and as observed by Aladekomo,¹⁵² the Supreme Court's pronouncement in *Iloabachie v Iloabachie*¹⁵³ clearly supports the view that a lawyer's involvement in sale of land does not constitute any form of professional misconduct because, even although the apex court had found as ignoble and infamous, the fraudulent actions of the respondent in that case (Mr. Iloabachie) while involved in a sale of land transaction, the court 'never expressly or impliedly said that a sale of land by a legal practitioner was unlawful, unprofessional, unethical or even undignified'.¹⁵⁴

Would there still be Business Enough?

It is obvious, from discussions above, that there have been unrelenting onslaughts against the legal profession in Nigeria; this raises the question as to whether there will still be business enough for lawyers in Nigerian in the midst of these incursions and intrusions that have taken their toll on law practice. The present writers believe that lawyers in Nigeria, by themselves and working hand in hand with their Bar Associations and relevant stakeholders, have a huge challenge in their hands; they need to urgently put their acts together and stand up to fight off external and internal intrusions into the legal practice space. Unfortunately, as it appears, persistent internal wrangling, unnecessary narcissistic divisions, and perennial battle for control

¹⁴⁵Udemezue, *Op Cit*.

¹⁴⁶ See for instance Rule 15 (3) (d) RPC, 2007

¹⁴⁷<<http://www.supremecourt.justice.nsw.gov.au/Documents/Publications/Speeches/Pre-2015%20Speeches/Bathurst/bathurst130811.pdf>> accessed August 06, 2021.

¹⁴⁸ See <https://quod.lib.umich.edu/l/lincoln/lincoln2/1:134.1?rgn=div2;view=fulltext>> accessed August 06, 2021.

¹⁴⁹ As used in the LPA and the RPC

¹⁵⁰ 23 Feb 1894 [1894] 1 QB 750, CA; (1894) 1 Q.B 750. The case is cited in Aladekomo, *Op Cit*

¹⁵¹ Aladekomo *Op Cit*, 152-153

¹⁵² In the same work

¹⁵³ (2005) 13 NWLR (Pt 943) 695 SC

¹⁵⁴ Aladekomo *OP Cit*, 154.

of the soul of the Bar have created huge distractions which make it very difficult for regulators, leaders and members of the legal profession to devote necessary attention to resolving these dangerous challenges that have eaten deep into the fabrics of the legal profession. The sad result is that the legal profession in Nigeria is in steady decline while the legal practice space steadily shrinks. This paper has sufficiently illustrated, above how lawyers' traditional jobs are being brazenly seized or stolen by outsiders, who operate in most cases unhindered. Aladekomo¹⁵⁵ speaks further (and rightfully)¹⁵⁶ to the extent of the mess the law profession in Nigeria has found itself, as a result of its own neglect, nonchalance and lacklustre attitude towards its safety and security, when he gave the following charge to the Nigerian Bar:

Lawyers have got not to shortchange themselves especially in this age wherein globalization and information and communication technology are changing or modifying the tradition and conservatism of many professions. The legal profession cannot afford to stand still while other professions move on in this era of globalization. The need to note this is all the more urgent because many traditional preserves of legal practitioners such as registration of companies, drafting of affidavits, preparation of agreements and/or procurement of letters of administration are now being performed by non-lawyers, including chartered accountants, chartered secretaries, estate agents and even touts.

As experience has shown, nothing will work unless stakeholders in the legal profession begin to do something¹⁵⁷ concrete and constructive to scare these saber-rattlers, to halt the steady decline in the legal practice space, and also to enlarge the scope of law jobs with a view to leaving enough for lawyers in Nigeria. There is no time to wait or waste because time will never be ripe enough.¹⁵⁸ The change we desire will not come if we wait for some other persons or for some other time. We are the ones we've been waiting for.¹⁵⁹ If we fold our arms and do nothing, or if we continue to do things the way we have always done by continuing with usual superficial approach, there might in the long run, be little or no improvements and we would continue to get the same results as we have always got while the situation gets messier and the profession becomes the worse for it. A stitch in time saves nine. By way of conclusion, and as a starting step towards confronting these challenges, the present authors adopt the approach recommended by Udemezue:¹⁶⁰

There can be no settlement of a great cause without discussion, and people will not discuss a cause until their attention is drawn to it. The five Steps To Achievement are: Think Clearly; Plan purposefully; Prepare Prayerfully; Proceed Positively; Pursue Persistently. ... 'First comes thought; then organization of that thought into ideas and plans; then transformation of those plans into reality. You must first plan your work and then work your plan' The first step is to sit down and begin to discuss.... A good discussion on material issues increases the dimensions of everyone who takes part. Our best comes out when we have honest discussions on issues that matter. Nelson Mandela said, 'No problem is so deep that it cannot be overcome, given the will of all parties, through discussion...' George Bernard Shaw said, 'New opinions often appear first as jokes and fancies, then as blasphemies and treason, then as questions open to discussion, and finally as established truths'. We should seek by all means in our power, to analyse our challenges, possible causes and solutions, by trying to remove them, through discussions in a spirit of collaboration and good will. We can overcome our challenges and make greater progress if we can start refocusing our priorities and prioritizing the focus of our discussions and action plans.

¹⁵⁵ *Op Cit*, 159

¹⁵⁶ In the view of the present authors

¹⁵⁷ Attributed to Maya Angelou, American poet, singer, memoirist, and civil rights activist.

¹⁵⁸ Napoleon Hill American self-help author (1883-1970)

¹⁵⁹ See < <https://millercenter.org/president/obama>> accessed 26 October 2022

¹⁶⁰ Discussing the problems.