



The Role of Legal Practitioners in the Fight against Corruption in Nigeria

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ABSTRACT

Legal Practitioners are expected to act as a front in the social engineering of the society which according to Roscoe Pound ought to be the basic object of the law in any given society. Empirical facts and socio – economic researches have however shown that corruption is one of the greatest challenges facing Nigeria today. Successive regimes in Nigeria have tried, albeit unsuccessfully, to eradicate corruption by introducing several measures such as Public Service Reforms, Establishment of Anti- corruption Enforcement Agencies (Economic and Financial Crimes Commission and the Independent and Corrupt Practice Commission), and the Financial Sector Reforms spearheaded by the Central Bank of Nigeria. Despite the successes received by these measures, corruption has continued to permeate every facet of our national life and has led to the total breakdown of the rule of law. This paper posits that law is the very foundation of a peaceful and prosperous society and that the most fundamental requirement is for us to uphold the rule of law by having credible lawyers (including lawmakers and law enforcers) with a strong sense of justice to take the lead and thence the absence of credible lawyers to carry out and uphold the rule of law presents a disincentive to eradication of corruption as lawyers are an important instrument as actors in any legal system and concludes that lawyers can contribute greatly to liberating any nation from corruption.

Keywords: Legal Practitioner, Corruption and Rule of Law

INTRODUCTION

Corruption often times has been described as one of the greatest threat to the economic and political development of any nation. Its origin and root in Nigeria dates back to the colonial period and has since metamorphosed into a cankerworm that has eaten deep into the fabrics and all facets of our society¹, the consequences of which are hunger, poor health delivery system and unemployment to mention but a few. Dr Mosuru writing in *This Day Newspaper*² posited as follows:

...From the lowest minion to the chief executive, corruption has completely taken over and in the process, devalued morality to the point where the only thing that matters is money. No compunction, no scruples, no thoughts about tomorrow. Just the desire to make money which way possible...

Patently sad, is the fact that amongst the major beneficiaries of the ill gotten wealth of corrupt practices are some Nigerian lawyers i.e. legal practitioners who regrettably are senior members of the Bar who had

¹ See Alegeh A.O., “The Role of Law Officers in the Fight against Corruption”, Being a paper presented at the 1st Annual National Conference of the Law Officers Association of Nigeria (LOAN), at Olusegun Obasanjo Auditorium, Federal Ministry of Justice Abuja, on the 16th of November 2015, p.2.

² Lecturer, Department of Business law, Faculty of law, University of Ilorin, “Corruption Nigeria Plc, *This Day Newspaper*, May, 10, 2005.

continually and continuously smile away to the banks with their share of the loot albeit in the name of professional fees sacrificing the ethics of the profession.³ Legal Practitioners especially law officers in government are often caught in a dilemma of either upholding the rule of law and incurring the wrath of the politicians or identifying with the stand of the politicians at the expense of the rule of law while also attracting public disdain. The hardship created by this dilemma is that on the one hand is the charge of conspiracy with the opposition to undo the government while on the other hand is a terribly unsympathetic public attitude whereat the law officer is viewed as being corrupt, if not more corrupt than the politicians. Standing at such crossroad, the law officer's lot is not one to be admired as they are often times accused of providing a fertile ground for corrupt politicians to thrive.⁴

The comforting news is that there are still thousand of lawyers out there who have the dexterity in fighting corruption and thence creating a clean legal environment.

The truth is that legal practitioners can be involved in corruption in a number of different ways without their knowledge or acquiescence, based on the fact that most are unable to clearly distinguish their roles as advisors, solicitors or advocates when representing clients especially when active participation is involved notwithstanding the Nigeria Bar Association Anti – Corruption Commission policy of KYC (Know Your Client) guidelines designed to create an obligation on lawyers to refrain from engaging in unsavory corrupt practices with their clients.

It is therefore not surprising that the President elect of the Nigerian Bar Association (NBA), Mr. Abubakar Balarebe Mahmoud (SAN) vowed to use his two year tenure to expose corrupt lawyers across the federation.⁵ He stated thus:

...Senior lawyers must demonstrate leadership and courage to assist courts to dispense justice. We are going to pay attention to lawyers who abuse the rules of Professional Conduct in the discharge of their duties. The NBA under my watch will work hard to ensure that we flush out lawyers with integrity deficit...

This paper will attempt to dissect the role of the legal practitioners in the fight against corruption and will begin with some conceptual clarifications and deal with the responsibilities of legal practitioners, hard and soft laws relating to legal practitioners in the area of Anti Corruption by making cross references to other jurisdictions of the world, annotate the basic tools required of a legal practitioner in the fight against corruption, challenges and concludes with recommendations.

CONCEPTUAL CLARIFICATIONS

For the purposes of better understanding, it is imperative to clarify certain terms used in this paper to wit:

Legal Practitioner

The question of who is a legal practitioner is statutorily and judicially provided for. The Legal Practitioners Act 1975 provides thus: “*Subject to the provision of this Act, a person shall be entitled to practice as a barrister and a solicitor if and only if his name is on the roll*”⁶

The Legal Practitioners Act also provides as follows:

*... A Legal Practitioner in Nigeria is a person entitled in accordance with the provision of this Act to practice as barrister or as a barrister and solicitor either generally or for the purpose of any particular office or proceedings.*⁷

³ Recently, a prominent Nigerian Lawyer, Rickey Tarfa (SAN) was arraigned before a Lagos High Court on charges of bribing a judge. While the learned silk is pressured innocent until the contrary is proved, he was also reported to have said that N225, 000:00 was donated to the judge's father in-laws funeral and not bribe parse. The case is however still on.

⁴ Alegbeh A.O., *op cit* at p.4

⁵ See The Median press briefing held at Yar Adua Centre Abuja on Wednesday 2nd August 2016.

⁶ See section 2(1) of the Legal Practitioners Act 1975 now Cap L11, Laws of the Federation of Nigeria 2004.

⁷ Section 24 *ibid*.

In the case of **SOBODU VS DENLOYE**,⁸ the Court of Appeal held thus:

“In Nigeria, a barrister or solicitor may practice as a legal practitioner; the barrister may, and quite often does, carry out the duties of a solicitor and vice versa. The two professions of barrister and solicitor are fused and as a legal practitioner, he can always sue to recover his fees”

By the above, it clearly means that only legal practitioners called to the bar can practice by signing documents. In the case of **FBN PLC & ORS VS ALH. SALIMATU MAIWADA & ORS**,⁹ the Supreme Court of Nigeria per **Mahmud Mohamed, JSC** also emphasizing the law stated as follows:

*The act or duty required to be performed by the provision of the Legal Practitioner Act is that of signing relevant court process, which can only be performed by a human being who is a legal practitioner duly registered under the Legal Practitioners Act and not by a non-juristic person registered under section 573(i) of the Companies and Allied Matters Act as a firm of legal practitioners to practice law under the Legal Practitioners Act, which does not possess the blessing of having human hands to hold a pen or any writing instrument to sign a court process*¹⁰

Under the Legal Practitioners Act¹¹ only registered legal practitioners and those who have of course paid their practicing fees have the right of audience in any court of law or Tribunal in Nigeria. In the case of **OLUSEMO VS COP**¹² the court held thus: *“A legal practitioner is by virtue of section 2(3) of the Legal Practitioners Act, Cap 207 LFN 1990 as amended entitled to and has the right to appear and have audience in any court of law or tribunal in Nigeria”*

Corruption

Corruption has been defined variously depending on the focus of a research. A wide sweeping definition of corruption is provided by Macrae¹³ J., who defined it thus:

*An arrangement that involves an exchange between two parties which has an influence on the allocation of resources either immediately or in the future and involve the use or abuse of public or collective responsibility for private ends.*¹⁴

Some other authors defined corruption as the misuse of public power for private benefits such as bribing public officials, kickbacks on public procurement or embezzlement of public funds.¹⁵

In the interpretative section of the Corrupt Practices and Other Related Offences Act,¹⁶ corruption was defined to simply mean; *“Corruption includes bribing, fraud and other related offences”*.

⁸ (1998) 12 NWLR (PT578) 341 at 346.

⁹ (2013) 5 NWLR (P1348) 444.

¹⁰ *Ibid* at p. 499.

¹¹ Cap L11 LFN 2004, section 2(3) thereof.

¹² (1998) 11NWLR (PT575) 547.

¹³ Macrae J., (1982) “Underdevelopment and the Economics of Corruption: A Game Theory Approach”, *World Development*, p.677.

¹⁴ *Ibid* at p.68.

¹⁵ See Runtian J., (etal), (2006) “News on Corruption” in the Wall Street Journal and the “Corruption Perception Index,” *Journal of Comparative International Management*, Vol. 9, Issue 1, June, p.38.

¹⁶ Act No. 5 of 2000, section 2 thereof.

The African Union Convention on Prevention and Combating Corruption defines corruption as the act and practices including related offences prescribed in the Convention. The offences covered by the Convention include bribery (domestic or foreign), diversion of property by public officials, illicit enrichment, money laundering and concealment of property.¹⁷ The definition of corruption as covered by the African Union Convention on Prevention and Combating Corruption is closely related and similar to domestic legislative enactments in Nigeria. The coverage is broad enough to accommodate all the domestic enactments so far promulgated in Nigeria.

A working definition of corruption presupposes the violation of legal standards which leads to prosecution or challenge of the action in court.¹⁸ A catalogue of news headlines in local and international media has herald the shape and dimension of stealing of public funds in Nigeria to justify the working definition given above¹⁹

Responsibilities of Legal Practitioners

First and foremost, legal practitioners are supposed to be ministers in the temple of justice. Theirs is in all cases to ensure that justice prevails. Legal practitioners in the Federal or State civil service bear allegiance principally to the state either as an appointee or employee of the government because his calling is to defend the cause of the state and ensure the rule of law prevails and that corruption is tackle frontally.

By virtue of the position of the Honorable Attorney-General of the Federation and Honorable Attorney - General of the State as Chief law officer of the federation and state respectively²⁰ they are expected to exhibit great sense of advocacy and must be seen to be incorruptible at all times, the challenges notwithstanding.²¹ Rule 1 of the Rules of Professional Conduct for Legal Practitioners²² provides thus: *“A lawyer shall uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of professional conduct and shall not engage in any conduct which is unbecoming of a legal practitioner”*

Hard Law Relating to Legal Practitioners in the Area of Anti-Corruption

The extent of a lawyer assistance or facilitation²³ in any corruption matter will of course vary from case to case. Liability can arise either through specific offences targeted at the legal profession or more generally under criminal laws that either criminalize corruption or activities that can be related to an act of corruption (i.e. **Money Laundering**).

With respect to liability arising through specific offences targeted at the legal profession, very few jurisdictions have legislation that deals specifically with the legal profession. Brazil for instance has a specific obligation that would apply to the facilitation of corruption by a lawyer, forbidding a local lawyer

¹⁷ Article 1 of the Africa Union Convention on Preventing and Combating Corruption.

¹⁸ Adeleke F.A.R., (2015) “The Role of the Judiciary in Combating Corruption: Aiding and Inhibiting Factors in Nigeria”, being a paper presented at the annual conference of Muslim Lawyers Association of Nigeria held at the Sokoto State Polytechnic, Sokoto, p.6.

¹⁹ See Fox News World (2015) “Nigeria Orders Arrest of Official Accused of Stealing 42b Meant to Buy Weapons to Fight Boko Haram; The Simon Ateba News, (2016) ” 7 Nigeria Ex-Governors, other Public Official Thieves, to Lose Billion Smuggled to Dubai”, “N23bn Diezani Bribe; 11 INEC officials Admit receiving N120m” (Sahara Reporters, May 28,2016), EFCC Releases CEO’S of Access Bank, Sterling Bank after they Refund Billions of Naira” (Sahara Reporters May 07, 2016), ABACHA LOOT; Switzerland Returns 723m to Nigeria in 10years (Vanguard, March 16, 2016), “Fayose Admits to Buying Properties of N1.55Billion (Sahara Reporters July 07, 2016) “Former PDP Secretary Olisa Metuh has Offered to Return N400M he Received From Ex-NSA Dasuki” (Sahara Reporters, June 30, 2016), “Former Air Staff Chief Amosun and other Top Military Officials Arraigned for N49Billion Fraud” (Sahara Reporters, June 29, 2016).

²⁰ See section 150 and 195 of the Constitution of the Federal Republic of Nigeria 1999.

²¹ There is always the enormity of the constant threats of being fired by the political superiors if they fail to do their bidding. Where the government goes the right path, there is almost no challenge for the law officer but where the government veers off the rule of law tangent, the law office bears the brunt.

²² Of 2nd January 2007.

²³ Assistance and facilitation of corruption encompasses a broad range of activities, ranging from indirect to direct involvement in any offence.

from aiding his or her client or third parties to break the law or facilitate its violation. Thus, Article 34 of the Brazilian Bar Association²⁴ provides as follows: “It is considered a disciplinary infraction to aid clients or third parties to perform any act contrary to the law or intended to defraud it”

Liabilities arising from general criminal laws relating to corruption are bound even though duplicative or repetitive in nature. These include the Penal and Criminal Codes which are the two primary legislations in Nigeria²⁵ which legislate against the offence of corruption and abuse of office.²⁶ Others include the Corrupt Practices and Other Related Offences Act 2000 (as amended),²⁷ the Economic and Financial Crimes Commission (Establishment) Act 2004, Code of Conduct for Public Officers pursuant to sections 66, 107, 172, 173, 209, 292, 318 and the fifth schedule of the Constitution of the Federal Republic of Nigeria 1999, the Money Laundering (Prohibition) Act²⁸ and the Advance Fee Fraud and Other Fraud Related offences Act²⁹ amongst others. Where legal practitioners act in such a way as to be directly responsible for the act of corruption or acts as part of a conspiracy to corrupt, then there can be liability as a ‘principal offender’. This may occur when legal practitioners pay any bribe or actively arrange any particular corrupt activity. Where however the legal practitioner is not directly responsible for the acts of corruption but facilitates or otherwise provides assistance to a principal offender, the legal practitioner can be liable as an accessory or accomplice. This is particularly important to consider given the nature of a legal practitioner’s role in a corrupt act (arguable more likely to prepare supporting documents to a corrupt transaction, instead of making a direct payment to a corrupt recipient).

Under the Corrupt Practices and Other Related Offences Act,³⁰ the Commission has the duties to receive, investigate complaint and prosecute offenders and every person (including a legal practitioner) whom an officer of the Commission requests for any information on any subject, is legally bound to give such information failing which such a person shall be guilty for an offence and shall on conviction be liable to imprisonment for six (6) months or a fine of ten thousand Naira.³¹ There is thus a general obligation on persons to report corruption but this can itself be a breach of professional duties where it relates to a client in some jurisdictions like Argentina³², Brazil,³³ and Bulgaria.³⁴ In other European Union (EU) member states like France, Italy, and Germany, the obligation to report under the money laundering legislation have generated conflicts with national laws that set out professional duties to secrecy. In France, a report of suspicious activities must be made to the president of the relevant Bar Association, rather than to the

²⁴ See law No.8906/94.

²⁵ Criminal Code Act, Cap C38, Laws of the Federation of Nigeria 2004 and the Penal Code of Northern Nigeria.

²⁶ See generally, sections 98-111, in particular, sections 98, 98A, 98B, and 99 of the Criminal Code Act, 2004 and sections 115-133 of the Penal Code Law.

²⁷ For more details on the comprehensive list of the various laws on corruption, see the paper titled “Combating Corruption in Nigeria, the Role of the Judiciary, delivered by Bazauye (etal), Faculty of Law, University of Benin, at the Nigeria Association of Law Teachers (NALTS) conference held at University of Ilorin between 22nd and 25th of April 2013, Pp 1-3

²⁸ 2011.

²⁹ 2006.

³⁰ 2000, section 6(a) thereof.

³¹ Section 40 of the Corrupt Practices and Other Related Offences.

³² In Argentina, counsel indicated that there is both criminal and professional liability for reporting confidential information relating to client under section 156 of the Argentina Criminal Code and section 244 of the Federal Criminal procedure Code respectively.

³³ In Brazil, the Brazilian Bar Association is strongly against creating an obligation to report corruption. But even though there have been some recent legislative approach for such a duty, the belief is that legal professionals cannot be forced to disclose information or evidence through their clients or which might otherwise be subject to attorney – client privilege or professional secrecy. See equally Article 154 of the Brazilian Criminal Code which states that: “Revealing someone without just cause, secret, that is ware in view of its function, department, office and the disclosure of which may produce harm to others”

³⁴ Articles 45 of the Bulgaria Attorney’s Act.

Police.³⁵ The United Kingdom (UK) has arguably one of the toughest approaches criminalizing even the failure to report suspicion of money laundering within it is anti money laundering laws to the Serious Organized Crime Agency.³⁶ In Germany, there is an obligation on lawyers to report even suspicious activity to the Federal Criminal Police Office.³⁷

Soft Laws/ Rules Relating To Legal Practitioners in the Area of Anti-Corruption

In most jurisdictions, Nigeria inclusive, the Domestic Bar Association has established a code of ethics, or professional guidelines describing the behavior that is expected of a lawyer when practicing the law.³⁸

In Nigeria, in the exercise of the powers conferred on by section 12 (4) of the Legal Practitioners Act (as amended), the then Attorney-General of the Federation and Minister of Justice/Chairman, General Council of the Bar, Chief Bayo Ojo (S.A.N) on the 2nd of January 2007 made the Rules of Professional Conduct for Legal Practitioners 2007. The rules are a Central body of rules applicable to all lawyers practicing in Nigeria. However in countries such as Australia and the United States, where there are separate Federal and State laws, it is the local state bar association that issues practicing certificate (rather than a central national legal institution) and it is therefore the local state bar association that stipulate the conduct that is expected of its lawyers.³⁹

In Nigeria, under the rules which govern professional conduct, the overwhelming general requirement is that lawyers must not infringe that law or facilitate an infringement of the law. This obligation on lawyer not to engage in illegal activities is seen as vital in upholding professional standard and obviously extends to activities of bribery and corruption. The way in which the obligation is expressed varies from country to country. For example in Sweden, the obligation is expressed as a general principle “not to promote injustice”. In Brazil, lawyers are forbidden from aiding clients to perform any act contrary to the law or intended to defraud it”,⁴⁰ and in Switzerland, lawyers must practice the profession diligently and conscientiously” and refrain from doing anything which would jeopardize his or her trustworthiness.

In Nigeria also, the obligation is expressed as a general principle under the general responsibility of a lawyer in the following wordings: “*A lawyer shall uphold and observe the rule of law, promote and foster the cause of justice, maintain a high standard of professional conduct, and shall not engage in any conduct which is unbecoming of a legal practitioner*”⁴¹

Even though, the rules provide and respects privilege communications between a lawyer and his client,⁴² it however provides exceptions particularly in relation to intention to commit crime and the need to prevent same. To this end, the Rules of Professional Conduct for Legal Practitioners provides: “*A lawyer may reveal...the intention of his client to commit a crime and the information necessary to prevent the crime*”⁴³

Of importance is the fact that a lawyer shall not accept any compensation, rebate, commission, gift or other advantage from or on behalf of the opposing party except with full knowledge and consent of his client after full disclosure.⁴⁴

Therefore, if a lawyer is to participate in or facilitate illegal acts of bribery and or corruption, he would have breached the soft law provisions and would be accordingly disciplined. The Rules of Professional

³⁵ Article L. 561 -15-1 of the French Monetary and Financial Code.

³⁶ See sections 330 and 331 of the UK Proceeds of Crime Act 2002.

³⁷ See section 11(1) of the German Anti Money Laundering Act.

³⁸ The jurisdictions that do not currently have a Code of Ethics for the legal profession include: Pakistan and then the United Arab Emirate (UAE) thig there is currently moves towards considering the introduction of a code.

³⁹ However in the United State, the American Bar Association has published the Model Rules of Professional Conduct which is closely followed by all state Bar Association. Therefore, whilst there may be some difference between the exact rules applied in each state, the code of ethics for all state Bar Association will closely resemble the Model Rules of Professional Conduct.

⁴⁰ See Article 34 of the Ethics and Disciplinary code of the Brazilian Bar Association.

⁴¹ Rule 1 of the Rules of Professional Conduct for Legal Practitioners, 2007.

⁴² See Rule 19(1) & (2) *ibid*.

⁴³ Rule 19(3)(c) *ibid*.

⁴⁴ Rule 54 *ibid*.

Conduct accordingly provides: “It is the duty of every lawyer to report any breach of any rule that come to his knowledge to the appropriate authorities for necessary disciplinary action.”⁴⁵

Basic Tools Required of a Legal Practitioner in his Role in the Fight Against Corruption.

These are some basis tools required of a legal practitioner in his avowed role in the fight against corruption to wit:

a. Integrity

Augustine Oyarekhua Alegeh (Erstwhile President of the Nigerian Bar Association) asserts that:

*The fight against corruption and the need to enthrone the rule of law must thrive on the willingness to live within the law in so far as the law coheres with the attribute of fairness, equity and good conscience. The man who must fight to combat corruption must be a man who has cured himself of the vices capable of his soul. He must be an incorruptible and disciplined man...*⁴⁶

I entirely agree. Indeed the ethics, ethos and pillars of the Bar are men of integrity and legal practitioners must be seen ready to abide by the ethical conduct. The greatest asset of any lawyer is his integrity. The loss of integrity leading to a single act of corruption is capable of opening the doors and windows to many more with its destructive effects. Deprecating the attitude of a counsel for lack of integrity, the court per Olatawura J (as he then was), in the case of **State Vs President Ijesha Divisional Grade A Customary Court; In Re: Isaac Oluwaleyimu**⁴⁷ stated thus:

*...He has sacrificed principle for perusal gains. He is an officer of the court and his first duty is to the court. Contrary to expectation, he has marred the good names of some officers of the court. Any officer of court who pollutes the foundation of justice is not fit to be an officer of the court...*⁴⁸

b. Courage

The cause of justice especially in the prosecution of corrupt related cases calls for courage and fearless men and women who are ready to stand up and fight for their conviction. In the words of Alegeh (SAN): “it requires men and women who will not cave into temptation at the slightest opportunity.”⁴⁹ Lawyers in their professional calling must champion the cause they believe in for justice to prevail. For law officers, even where the interest of politicians stands against the law, they must be courageous enough to explore the first opportunity on becoming aware of such and discourage its continuance by not being intimidated but by standing firm in a professional manner as their convictions.

By virtue of Rule 14(1) of the Rules of Professional Conduct for Legal Practitioners, a legal practitioner should not only courageously prosecute his client’s case, but should vigorously present all proper arguments against any decision and should not be deterred by any fear of judicial displeasure or even punishment. Boldness is often more required in the public service (i.e. member of the public bar who are suppose to carry out prosecution of corrupt related cases). Law officers should not therefore be seen as Zombies that respond positively to every policy of government and arise to defend or prosecute cases even when they are palpably wrong. Failure to advice against certain government policies yields to corruption and which offends the required rule of law. The guiding principle should be “*Fiat Justice Et Ruat Coelum*”, meaning justice must be due though the heavens fall.”

Therefore, a bold legal practitioner is not only an advantage to the government but to the court and the nation at large and indispensable in the fight against corruption. The admonition here is that a legal practitioner should always, be bold to stand for that which he perceive as right.

⁴⁵ Rule 55(2) *ibid*.

⁴⁶ See Alegeh (SAN) *op cit* at p.5.

⁴⁷ (1974) 2 WSHC 48.

⁴⁸ *Ibid* at p.66.

⁴⁹ Alegeh (SAN) *op cit* at p.7

c. Professionalism

Professionalism is said to be the hallmark of the legal profession. A lawyer is a professional to be core. The legal profession is arguably the most articulate of the professional organizations in Nigeria. Besides, it is in a unique position to have the cream of its membership as partners in the governance of the country and its institution, the judiciary regarded as one of the three major departments of the Constitution. Members of the profession must be therefore conscious of their responsibilities and role on the society both in their individual capacity as mediators between the contesting parties and collectively for the attainment of stability in the society. The most effective way of attaining these objectives is to organize an articulate profession, whose members will understand and appreciate the society and its problems, thence the need to infuse into members the observance of the code of conduct, rule of law and professional discipline which will distinguish them as good citizens.

By being professional therefore, legal practitioners will not only portray themselves in a good and admirable light but will also serve as a campus that will guide them in gauging the cases they have been asked to prosecute or defend. To this end, those in charge of the prosecution of corrupt related cases should avoid the filing of bogus charges against accused persons in court. The unwholesome practice where the state files **100-250 charges** without substance in a case in court all in a bid to secure a conviction at all cost is totally condemnable and an unprofessional practice which does not assist in the fight against corruption for it is better to file 1-2 charges and secure a conviction rather than **100-250 charges** without substance and thereafter an accused is acquitted and discharged. Legal practitioners must therefore conduct their cases with the highest level of professional etiquette with the highest level of decorum and discipline.

They are spate of cases where allegations on Judgments/Rulings/Convictions are being obtained for a fee. Legal practitioners are no doubt caught in this unwholesome web and the same is true of allegation of corruption in the judex. Legal practitioners should be courageous to desist from these unscrupulous corrupt practices and to report judicial officers and counsel who engage in same to the National Judicial Council (NJC) and the Legal Practitioner's Disciplinary Committee (LPDC) for appropriate sanctions.

The Challenge of Legal Practitioners in the Fight against Corruption

Law officers in recent times face several challenges in Nigeria ranging from poor remuneration to poor work environment amongst others. It is often said that the salary of a law officer is only as good a remuneration as when he was a junior at the Bar to the extent that when he grows at the bar, his remuneration translates to mere pittance in comparison with the earnings of his call mates in private legal practice or the in house counsel of private companies.⁵⁰ Yet it is the same law officers that are required to vigorously defend the cause of the state and be at the vanguard of the fight against corruption and the rule of law campaign.⁵¹

A visit to some of the Ministries, Agencies and Parastatals where our law officers work leave you heartbroken. Most of the offices are either without computers or have dysfunctional or for outdated machines. In such offices, there are no libraries and the ones that have libraries have outdated books, law reports and law journals. A law officer working under these stringent conditions cannot, in all honesty, be expected to gallantly fight corruption when his immediate environment in itself is pervaded by corruption. Such a law officer can be easily compromised to alter the course of justice with mouthwatering offers of cash or other gift items.⁵²

Therefore from whichever prism or ramifications one views it, the law officers in Nigeria appear heavily challenged in the role expected of them to tackle and combat corruption. Bad leadership has been responsible for this. The writer therefore shares the new of Alegeh SAN when he said:

"...Our peculiar democracy of bad leadership which invariably translates to the democracy of penury, deprivation and want

⁵⁰ Alegeh (SAN) *ibid* at p.4.

⁵¹ *Ibid.*

⁵² *Ibid* at p.5.

*portents a flurry of challenges which impact on the work of the law officers...*⁵³

CONCLUSION AND RECOMMENDATIONS

That there exists corruption in Nigeria is a truism and it is one of the greatest challenges facing our nation today. The fight against corruption seem to be making major headlines in the political scene, and we can't deny the importance of the judiciary in achieving any meaningful result, equally important are the operators of the judiciary i.e. the legal practitioners. It is understood that the anti-graft agencies are under tremendous pressure to recover looted funds and also to secure convictions, but in doing this, they must be aware that the lawyer's role is to represent his client and for the law officers to prosecute within the ambit of the law, nothing more and representing a client charge with corruption related offences does not make the lawyer himself corrupt.

The truth is, lawyers can be involved in corruption in a number of different ways without their knowledge or acquiescence and as ministers in the temple of justice, we must endeavor to distinguish our roles as advisors, solicitors or advocates when representing clients, especially when active participation is involved and distance ourselves from celebrating criminality. The fight against corruption will not be won until the "rule of law works i.e. the law (including the anti corruption law) is enforced equally against everyone. The rule of law creates a disincentive for the corrupt or crooked people to do what they want. The most fundamental requirement is for us to have credible lawyers (including lawmakers and law enforcers) to take the lead. The rule of law cannot thrive without credible lawyers who have strong sense of justice. The absence of credible lawyers to carry out the tenets of the rule of law presents a further disincentive to corruption eradication.

A clean legal system is imperative to stop corruption. The clean legal system envisages clear figures, and corruption within the legal profession however minute must be eradicated. The media and academia can and should equally play a key role in creating a culture of hatred against corruption in our society. Today there are too many "corrupt lawyers" and celebrity lawyers who inappropriately receive too much publicity. At the same time, there has been very low coverage of humble lawyers with excellent sense of professionalism. The media must therefore give adequate spotlight to people who have been consistent in obeying the rule of law and committed to implementing zero tolerance against corruption.

Corruption can be successfully fought when all the players and stakeholders in the legal system (including judges, prosecutors, police and advocates) share the same commitment.

Legal practitioners can assist in the fight against corruption by further refusing to aid clients in corrupt related offences like money laundering, or obstruct government agencies from carrying out their duties, insist in due diligence when creating legal structures for client or acting as intermediaries for transaction, avoid contribution of any sort to a judge that may be considered to "sweeten" the decision making of my lords.

Let the membership of our noble profession consist of the finest of men and not men who act as tradesmen in the market place, rather we should be men who will pursue the law in a high spirit of public service, living by a high code of ethics and moral standards. It is a moral burden that all our members must bear, if the fight against corruption is to be won in Nigeria.

⁵³ *Ibid.*