



The Justice Reform Project

2 April 2020

The President
Nigeria Bar Association
National Secretariat, NBA House
Plot 1101, Mohammadu Buhari Way
Central Business District
Federal Capital Territory, Abuja

The Chairman
Body of Senior Advocates of Nigeria (BOSAN)
Room 18, Nigerian Law School
1 Adeola Hopewell Street
Victoria Island, Lagos

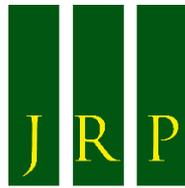
Dear Sirs,

COVID 19: ADMINISTRATION OF JUSTICE AND WELFARE OF LAWYERS.

The global pandemic coronavirus disease (COVID-19) has fundamentally (maybe permanently) disrupted all aspects of human activity across the world and no less so in Nigeria. It has halted business, undermined national and global economies and dislocated day-to-day human activity. The extraordinary measures taken to meet this disruption provides a unique opportunity for business and professional organizations as well as peoples and governments to demonstrate leadership in their ingenious and calculated responses to this unprecedented challenge to our world and our way of life.

As you know, on March 29, 2020, The President of the Federal Republic of Nigeria, exercised powers to order restriction of movement in Lagos and Ogun States, as well as the FCT, and subsequently issued the COVID-19 Regulations, 2020 (Regulations) in this regard. Sequel to the Regulations, movement of persons is totally restricted, except for certain exceptions for fourteen (14) days .

The Chief Justice of Nigeria (CJN), on March 23, 2020 by Circular No. NJC/CIR/HOC/11631 ordered that as a preventive step, all Heads of Courts, should suspend Court sittings for a period of two weeks at the first instance, except in matters that are urgent, essential or time-bound according to the extant laws. In response to this, Courts all over the country complied. Urgent, essential and time-bound matters were heard while all others were adjourned.

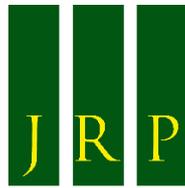


The Justice Reform Project

It is obvious that the negative impact on the entire nation will impact hugely on the administration of justice and the professional activity of legal practitioners, most especially those who are younger and maybe even indigent. Against this background we are writing to respectfully invoke the authority of your esteemed office to make efforts to enlist the support of the Hon. Attorney-Generals of the Federation and the States, the Heads of Courts and members of our profession across the board to take action in the following areas:

1. Administration of Courts & Justice:

- (a) Use Of Technology to Facilitate Continuity of Court Business: To facilitate regular and useful communication concerning the inevitable re-organisation of court business and the access to appropriate platforms; also, phone and email access to key persons in the judicial administration.
- (b) Urgent Matters: Law is seen not just as a set of rules but as a body of regulations impacting social relationships and our general welfare. Accordingly, there are bound to be extremely urgent matters even during extreme restrictions. It is therefore necessary to put in place mechanisms to hear such matters even by telephone conference calls, in the absence of more adequate electronic infrastructure. A Practice Direction departing from the normal rules should be sufficient to bridge any gaps. The heads of courts should be encouraged to issue a protocol regarding remote hearing. Perhaps in anticipation of times like the present, the Federal High Court Rules and that of the National Industrial Court of Nigeria, for instance, contain provisions enabling same.
- (c) Time-sensitive matters: All steps in relations to adjudication in our courts are time-sensitive using a business day as reference and index for calculation. Business days have now been suspended and this should ordinarily have the same effect on every court's proceedings. Similarly, time within which various steps ought to be taken should typically be tolled. A Practice Direction that this period will be discarded in computing time under the Rules of Court will dispense with filing of motions for extension of time, avoiding a further clog on an already congested court system. The method of application in individual cases remains a matter for each Judge being in control of the court's proceedings.
- (d) Annual vacation for 2020: It is becoming obvious that we are likely to lose no less than 4-6 weeks in courts' proceedings. It is therefore suggested that the annual court vacation be either suspended or reduced to a week, to make up for the time lost. Such announcement at this point will re-establish confidence in the general public who are the consumers of the service.

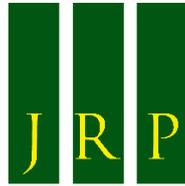


The Justice Reform Project

- (e) Sanitization of the courts and the immediate surrounding: The courts are presently shut down. This is an opportunity to sanitize the courts premises and ensure installation of safety measures in all courts. This will ensure maintenance of the highest standards of hygiene and the safety of the environment to which we will imminently return.

2. Welfare of lawyers.

- (a) With restriction on movement occasioned by the lockdown, there are many of our colleagues who may be unable to meet their daily needs and those of their families. It is recommended that BOSAN in collaboration with the NBA attempt to mitigate the impact on the most vulnerable and exposed amongst us. We have for this purpose singled out a category of lawyers; practitioners who are four (4) years post call and below, having an annual turnover of ₦1,000,000.00 (One Million Naira) and below.
- (b) To achieve this, we propose the following:
- (i) The NBA should show its commitment to the cause by setting aside a specific sum for this purpose (the “Fund”). As an off-the-cuff suggestion, a sum of no less than ₦50,000,000.00 (Fifty Million Naira) may be set as a threshold. The NBA may seek to obtain a loan against future practicing fees in the face of liquidity challenges.
 - (ii) BOSAN may consider deploying some of its leadership fund to ameliorate the condition of some of the aforementioned group of young lawyers in support of this Fund as set up by the Nigerian Bar Association (NBA).
 - (iii) Lawyers who are better placed at this time may contribute to this Fund such reasonable amounts as may be convenient for them.
 - (iv) Senior Advocates and other senior lawyers may commit themselves to contributing a minimum sum of ₦ 250,000.00 (Two Hundred and Fifty Thousand Naira) to this Fund.
 - (v) The NBA and BOSAN will negotiate with the relevant tax authorities to ensure the contributions shall be a tax-deductible item for the current year’s annual tax obligation. In effect, donations are somewhat subsidized and repayable to this group of lawyers in form of tax rebate for the year under consideration. It is likely that the Federal Government will be willing to accommodate this gesture having regard to its current disposition and welfare package to other sectors of the economy.



The Justice Reform Project

- (vi) The NBA should then disburse an agreed sum to the group of young lawyers. Again, by way of suggestion it may be any sum between ₦20,000 and ₦50,000 a month for an initially determined period. In view of the uncertainty of the end of the pandemic, we suggest an initial period of six (6) months.
- (vii) To qualify, this group of young lawyers shall show evidence of their annual turnover in form of any one of their balance sheets, statements of account, or such reasonable representation of cash flow.
- (viii) The local NBA Branches should create a list of the group of young lawyers.

The suggestions proposed above as it relates to the administration of the courts and justice, and the welfare of lawyers are not entirely novel. The Supreme Court of India heard cases with the aid of teleconferencing. The Judges made use of an application named “Vidyo” to hear matters, with counsel on both sides calling in from their homes/offices, and the proceedings successfully went on. In the same country, the Bar Council of Delhi has made financial provisions to the equivalent of ₦25,000.00 (Twenty-Five Thousand Naira) to its most vulnerable members to ensure that the daily needs of those members are met.

We therefore urge you to use your good office to ensure that the due and proper administration of justice does not grind to a halt at this time, and that we demonstrate sympathy for the welfare of our financially weakest members.

Yours faithfully,

THE JUSTICE REFORM PROJECT

Olufunke Adekoya SAN
Chairman, Governing Board

Charles Adeyemi Candide-Johnson SAN
Convener, Justice Reform Project

cc:

- I. **The Honourable Chief Justice**
The Supreme Court of Nigeria
Three Arms Zone
Federal Capital Territory, Abuja



The Justice Reform Project

2. **The Honourable Chief Judge**
High Court of Lagos State
Oba Akinjobi Way
Ikeja GRA, Lagos

3. **The Honourable Attorney-General of Federation**
Justice Headquarters
Shehu Shagari Way
Central District
Maitama
Federal Capital Territory, Abuja

4. **The Honourable Attorney-General of Lagos State**
Lagos State Ministry of Justice
The Secretariat, Alausa
Ikeja, Lagos