

Responses to Information Requests - Immigration and Refugee Board of Canada

Nigeria: Lawyers, including their bar association and the means of attesting their registration with the bar association, in particular seals and registration numbers, as well as the means of attesting their place of practice (2018–October 2020)

1. Nigerian Bar Association (NBA)

Sources report that there has been controversy over the constitutionality of mandatory membership in the NBA as it may violate the right to freedom of association (The Nigeria Lawyers 10 Aug. 2017; Professor of Law 17 Sept. 2020). An article on the regulation of the legal profession in Nigeria prepared by a senior associate and an associate of Álex, a Nigeria-based law firm, and published by Thomson Reuters Practical Law, an online legal service that provides peer-reviewed resources (Thomson Reuters n.d.), states that membership in the NBA is mandatory (Efobi and Ofagbor 1 Sept. 2018). Similarly, sources quote a decision of the Court of Appeal as indicating that membership in the NBA is "automatic," "upon being called to the bar" (The Nigeria Lawyers 10 Aug. 2017; Professor of Law 17 Sept. 2020).

Article 4(1) of the NBA Constitution provides the following:

1. A full member of the Association shall be any person duly enrolled at the Supreme Court of Nigeria as a legal practitioner and registered with a Branch of the Association.
2. Notwithstanding the provision of Section 4(1)(a), any member who fails or neglects to pay the prescribed Annual Practising Fees before the end of March in each year shall, for as long as he/she remains in default, have no right:
 1. Of audience in any court in Nigeria;
 2. To prepare, authenticate, or frank any legal documents including Memorandum and Articles of Association;
 3. To hold any office whatsoever by virtue of his/her qualification as a legal practitioner;
 4. To vote or be voted for at any election of the association;
3. A failure or neglect to pay the Annual Practising Fees and Branch Dues, as and when due, shall be deemed to be an act of professional misconduct. (NBA 2015)

In correspondence with the Research Directorate, a Senior Advocate of Nigeria, who is a principal partner at a Nigerian law firm, reported that

[n]o other categories of professionals are eligible to practice law in Nigeria, if by "practicing law" you mean the right of audience in a professional capacity before a Court of Law. However, the practice of law obviously goes beyond litigation. In this vein, it should be borne in mind that company secretaries as well as arbitrators, mediators and other ADR [Alternative Dispute Resolution] practitioners whose work may, broadly speaking, be said to include the practice of law need not necessarily be lawyers. Additionally, a Commissioner for Oaths before whom an affidavit is deposited to be presented before a court as evidence need not necessarily

be a lawyer. (Senior Advocate of Nigeria 17 Sept. 2020)

2. Enrollment and Place of Practice

According to Nigeria's *Rules of Professional Conduct for Legal Practitioners (RPC)*,

1. Every person who sets up private legal practice either alone or in association or partnership with another or others shall, not later than thirty days after commencement of such legal practice and, if he continues to carry the practice, deliver a Notice in the prescribed form to the Branch of the Nigerian Bar Association within whose jurisdiction the law office is situated.
2. The Notice referred to in sub-section (1) of this rule shall state

 1. the name of the legal practitioner;
 2. the address where the legal practice is carried on;
 3. the date when the legal practitioner was called to the bar in Nigeria; and
 4. the date when his name was entered in the Roll of Legal Practitioners in Nigerian.
3. the Branch of the Nigerian bar Association to which the Notice is delivered shall enter the particulars in the Notice in a Register or Database kept for that purpose.
4. Every legal practitioner who, after having been registered under sub-rule (3), changes his name or address for legal practice, shall deliver to the Branch where he is so registered a notice in the prescribed form showing particulars of the changes made. (Nigeria 2007, Art. 13)

Similarly, the Senior Advocate of Nigeria stated that lawyers register and pay annual dues to the NBA through their local branch, where, "[i]n addition to their names, they are required to provide their year of call, phone numbers, e-mail addresses, office addresses" (Senior Advocate of Nigeria 17 Sept. 2020). According to the same source, "[a]ll Nigerian lawyers have enrollment numbers" and

[t]he Roll of Nigerian lawyers does not denote type of law or location, but individual lawyers can edit their profiles on the NBA portal to provide information about their areas of core competencies and the location of their offices. (Senior Advocate of Nigeria 17 Sept. 2020)

The Senior Advocate of Nigeria noted that the "Supreme Court maintains a centralized Roll of all Legal Practitioners in Nigeria, which is accessible to the general public, in addition to the NBA's '[Find a Lawyer](#)' portal" (Senior Advocate of Nigeria 17 Sept. 2020). In correspondence with the Research Directorate, a legal awareness expert, who is the founder of a Nigerian law website and a former Assistant Secretary of a branch of the NBA, similarly stated that the "Supreme Court of Nigeria maintains a roll of all licensed legal practitioners in Nigeria," adding that "[t]here is no reliable link to this roll at the moment," although "a formal search can be made upon request" (Legal Awareness Expert 9 Oct. 2020).

3. Attesting Registration - Practising Certificate

Information on practising certificates and receipts for payment of NBA fees was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

Nigeria's *RPC* states that the NBA shall "issue a practicing certificate" to lawyers, who are on the "Annual Practising List," which certifies that they have paid their fees and completed the required "Continuing [P]rofessional Development Programme" for the year (Nigeria 2007, Art. 12(1)(b)). According to the article published by Thomson Reuters Practical Law,

[t]he practising certificate is renewable annually and issued to lawyers whose names are on the annual practising list (because they have satisfied the two requirements) for the relevant year. In practice, however, an actual licence is rarely issued by the NBA and a receipt acknowledging payment of practising fees for the year is sufficient for a lawyer to practise law in Nigeria. (Efobi and Ofagbor 1 Sept. 2018)

The Legal Awareness Expert similarly indicated that the NBA "allows legal practitioners to practise annually with their proof of payment of annual practising fees, in lieu of actual practising licenses" (Legal Awareness Expert 9 Oct. 2020).

4. Seals and Registration Numbers

According to article 10(1) of the *RPC*, lawyers "shall not sign or file a legal document unless there is affixed on any such document a seal and stamp approved by the Nigerian Bar Association" (Nigeria 2007). Similarly, the NBA reports that as of 1 April 2015, lawyers are "required to affix their STAMP on every legal document prepared and/or endorsed in accordance with the law" (NBA n.d.). The same source further indicates that stamps are available in green for private practice and red for public practice (NBA n.d.). An article by Edward Osike, an associate of a Lagos-based law firm (LeLaw n.d.), states that green stamps are used by "lawyers in private practice" and red stamps are used by "in-house lawyers in the public and private sectors" (Osike Mar. 2019). Samples of a green and a red stamp, as provided on the NBA website, are attached to this Response. For further information on NBA stamps, see Response to Information Request NGA106019 of November 2017.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

Efobi, Ngozi and Raymond Ofagbor. 1 September 2018. "[Regulation of the Legal Profession in Nigeria: Overview](#)." Thomson Reuters Practical Law. [Accessed 1 Oct. 2020]

Legal Awareness Expert. 9 October 2020. Correspondence with the Research Directorate.

LeLaw Barristers & Solicitors (LeLaw). N.d. "[Edward Osike](#)." [Accessed 28 Oct. 2020]

Nigeria. 2007. [Rules of Professional Conduct for Legal Practitioners](#). [Accessed 8 Oct. 2020]

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[Lawyer's Automatic Membership of the NBA.](#)" [Accessed 8 Oct. 2020]

Nigerian Bar Association (NBA). 2015 (amended 2019). [Nigerian Bar Association Constitution 2015 \(as Amended\)](#). [Accessed 1 Oct. 2020]

Nigerian Bar Association (NBA). N.d. "[NBA Stamp & Seal](#)." [Accessed 5 Oct. 2020]

Osike, Edward. March 2019. "[Legalities & Formalities: Filing Court Processes with Expired Seals - A Review of Emechebe v. Ceto Int'l \(NIG\) Ltd \[2018\] 11 NWLR. \(Pt.1631\), 520 CA.](#)" *LeLaw Thought Leadership Insights*. [Accessed 1 Oct. 2020]

Senior Advocate of Nigeria. 17 September 2020. Correspondence with the Research Directorate.

Thomson Reuters. N.d. Practical Law. "[About Us: About Practical Law](#)." [Accessed 1 Oct. 2020]

Additional Sources Consulted

Oral sources: Former law librarian of a Nigerian law school; founder of an online Nigerian law platform; independent scholar and former lecturer in law at a Nigerian university; Lagos – Office of the Attorney-General and Commissioner for Justice; Nigeria – Supreme Court of Nigeria; Nigerian Bar Association; Nigerian corporate lawyer; Nigerian law partner; professor of law at a Nigerian university.

Internet sites, including: BarristerNG.com; Courtroom Mail; ecoi.net; Factiva; LawCare Nigeria; *The Nation*; New York University – GlobaLex; Nigeria – Supreme Court of Nigeria; Nigerian Institute of Advanced Legal Studies; Nigerian Lawyers Directory; Policy and Legal Advocacy Center; UN – Refworld; US – Library of Congress.

Attachment

Nigerian Bar Association (NBA). N.d. "[NBA Stamp & Seal](#)." [Accessed 5 Oct. 2020]