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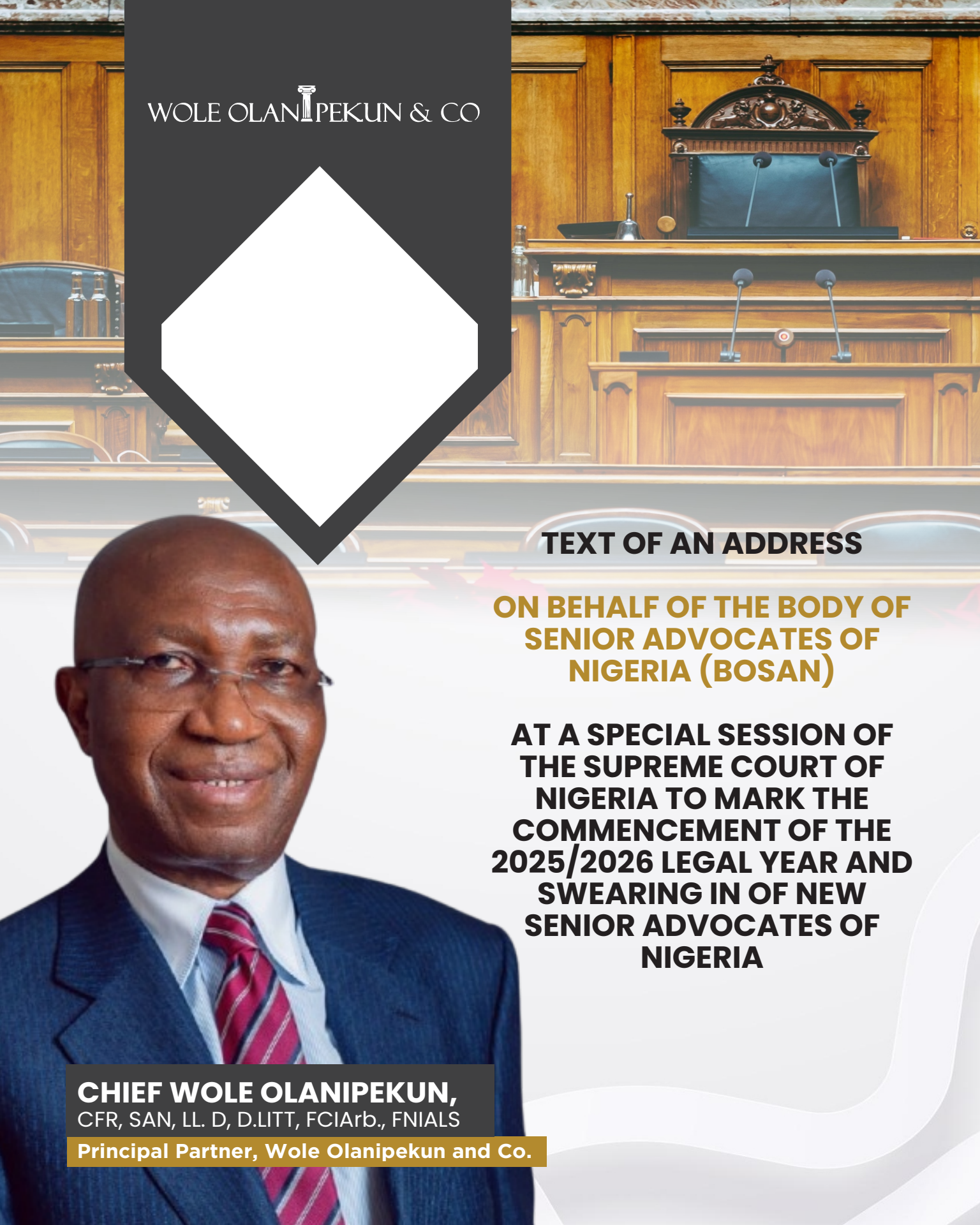

TEXT OF AN ADDRESS

ON BEHALF OF THE BODY OF SENIOR ADVOCATES OF NIGERIA (BOSAN)

AT A SPECIAL SESSION OF THE SUPREME COURT OF NIGERIA TO MARK THE COMMENCEMENT OF THE 2025/2026 LEGAL YEAR AND SWEARING IN OF NEW SENIOR ADVOCATES OF NIGERIA

CHIEF WOLE OLANIPEKUN,
CFR, SAN, LL. D, D.LITT, FCIArb., FNIALS
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BY

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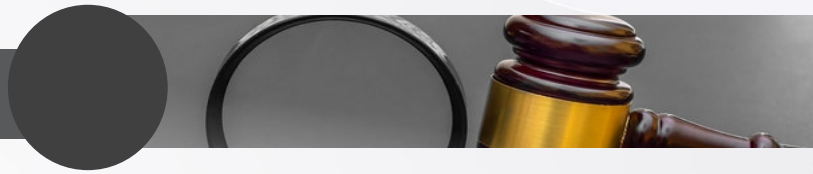
AT THE SUPREME COURT OF NIGERIA ABUJA

ON MONDAY, 29TH SEPTEMBER, 2025



1.0 PROTOCOL

2.0 INTRODUCTION

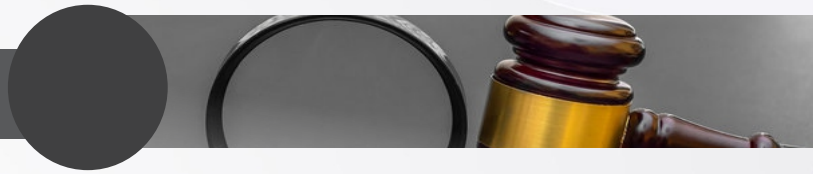
2.1 On behalf of the **Body of Senior Advocates of Nigeria (BOSAN)**, I join my **Lord**, the Honourable, **the Chief Justice of Nigeria, Honourable Justice Kudirat Motonmori Olatokunbo Kekere-Ekun**, in welcoming members of the **Bar** and **Bench**, not just to this auspicious gathering, but also to the **2025/2026** legal year. It is as well, my honour to commend your Lordship for the various judicial reforms being undertaken since your Lordship's formal assumption of office as the Chief Justice of Nigeria on **23rd August, 2024**, in conjunction with your brother Justices of the Supreme Court. It must be noted that the last one year has witnessed improved efforts in the decongestion of the docket of the Supreme Court, and we remain optimistic that within the shortest possible time, normalcy would return in terms of the desired speed in the dispensation of justice.

2.2 You would recall that upon the enactment of the **Supreme Court Rules, 2024**, concerns arose across several quarters regarding the danger in the retroactive application of the provisions, particularly, in terms of the timeline for the filing of processes. It was in reaction to these concerns that **my Lord, the Honourable, the Chief Justice of Nigeria** issued a Public Notice on 4th February 2025, regarding the transitional period for implementation of Order 4, Rule 15 of the Supreme Court Rules, 2024. This was in demonstration of the fact that the **Honourable CJN** and indeed, the Supreme Court are institutions with listening ears and available to address genuine concerns of legal practitioners in the discharge of their calling. Had the **Honourable CJN** not made the rare intervention in salvaging the impacted appeals, the implications would have been very detrimental and far-reaching.

3.0 IN THE BEGINNING

3.1 Celebrating a new legal year is an ancient legal ritual which is equally hallowed within the legal profession. It is one of the profession's finest traditions, dating back to not less than seven hundred years ago. In the medieval times, Judges, being the custodians of justice resident in Westminster Hall, would take the short walk down to Westminster Abbey and, being familiar with the solemnity of their duty, would, in a church service, re-dedicate and pledge themselves anew to the course of justice.[1]

1 https://www.judiciary.gov.uk/about-the-judiciary/the-justice-system/term-dates-and-sittings/legal-year/



3.2 In recent years, the Supreme Court started intertwining the formal swearing-in of Senior Advocates with the start of a new legal year, and by so doing, the apex court has elevated the ceremony from a mere ritual to a convocation for the incentivisation of extraordinary advocacy, diligence, courage and innovation amongst members of the **Bar**; in the manner of the **patent** according precedence at the Bar to **Sir Francis Bacon**, making him the first **Queen's Counsel in 1597**. We recall with glee and pride that the equivalent of that '**patent**' was first given to our own quintessential **Chief Frederick Rotimi Alade Williams**, becoming Nigeria's first **Senior Advocate** alongside the celebrated jurist, **Chief (Dr.) N. B. Graham-Douglas, SAN** in 1975.

4.0 CONSTITUTIONAL AUTHORITY OF OUR COURTS

4.1 **Section 6 of the Constitution of the Federal Republic of Nigeria, 1999 (the Constitution)** vests in the judiciary, particularly, the superior courts, with the jurisdiction to adjudicate on matters between government(s) and government(s), government(s) and citizens, and citizens *inter se*. This is by all means, a burdensome and thankless job. Consequently, the judiciary must brace itself for the challenges ahead, reinforcing its commitment to the Judicial Oath taken by each Judge, as outlined in the **7th Schedule** to the **Constitution**. This oath emphasizes the imperative to remain impartial, ensuring that personal interests do not influence official conduct or decisions. The role of the judiciary in preserving, protecting, and defending the Constitution has never been more critical. Put in another way, as expressed in **Clause 40** of the **Magna Carta 1215,** our Judges and Justices should continue to subscribe and adhere to the Latin maxim "**Nulli vendemus, nulli negabimus aut differemus rectum aut justiciam**" meaning "**to no one will we sell (justice) to no one will we deny or delay right or justice.**"

5.0 INTERVENTIONS BY BOSAN

Over the years, particularly on occasions, whether ceremonial, formal or informal, where the **Bench** and the **Bar** have convoked in a manner like this, representatives of the **Inner Bar** have always been called upon, not just to appreciate the **Bench** *qua* **Judiciary,** but also make a few comments on matters of mutual or shared interests, between the **Bar** and the **Bench, as well as** between the **legal profession** and the entire public. Again, both as young lawyers and **Senior Advocates of Nigeria,** we have patiently listened to the likes of **Chief FRA Williams, SAN; Mr, Kehinde Sofola, SAN; Chief G.O.K Ajayi, SAN; Chief Richard Akinjide, SAN; Chief Folake Solanke, SAN; Mr. Clement O. Akpamgbo, SAN; Prof. A. B. Kasumu, SAN; Chief T.J.O. Okpoko, SAN,** amongst others, address this court on diverse subjects, and in doing so, proffering suggestions for reform and improvement to standards within the profession.

In such instances as well, humble solutions have always been proposed and recommended. We want to appreciate the Supreme Court for constantly accommodating us and in most cases, not just taking our prognosis in good faith, but also considering them for implementation. It is in that light and spirit, as well as the laid-down tradition that I crave the indulgence of the **Honourable Chief Justice** to highlight a few topical concerns/matters in this address.

6.0 CONFLICTING DECISIONS OF APPELLATE COURTS

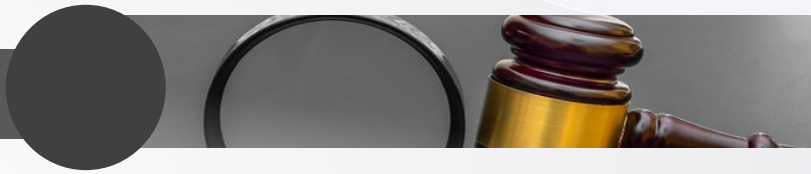
6.1 My Noble Lord, the **Hon. Chief Justice of Nigeria,** please pardon us if we sound repetitive on this very topical subject of conflicting judgments of our appellate courts, more particularly so that we have addressed it on various occasions in the past. While we do not want to present ourselves like a broken record, truth be told, the subject is compelling and a source of concern, not just for legal practitioners, but also for members of the lower **Bench** and the public.

I recall vividly that my Learned Brother Silk, the eminent **Ebun Sofunde, SAN**, hammered on this issue at the 2023 edition of this event. I recall also that two years prior, in 2021, another doyen of the Bar, **Chief Akin Olujinmi, CON, SAN**, decried the situation at the Dinner organised by the Nigerian Bar Association, Akure Branch[2] where he chronicled the uncertainties created by the Supreme Court's decisions on the interpretation of section 141 of the Electoral Act, 2010 in **CPC v. Ombugadu**[3]; **Eligwe v. Okpokiri & Ors**[4], and **Modibbo v. Usman.**[5]

6.2 Ten years prior to the speech by **Chief Olujinmi**, at a conference on the performance of **Election Petition Tribunals** organized by the **Nigerian Bar Association** in Benin City, Edo State, on 15th March 2012, I presented a paper titled **"Conflicting Judgments of the Appellate Courts in Election Cases"** wherein I identified various conflicting decisions of both the Court of Appeal and the Supreme Court at that time, and concluded with the following words:

> "***By and large, lawyers and judges must constantly remind themselves that they are not bosses of the law, rather, that their fidelity must be to the law. In this wise, the point must be made that if justice is to be dispensed even handedly, similar cases must be decided similarly…Searchlights of the public are now beamed on judgments coming out of our courts and more than ever before, biting editorial opinions of leading national newspapers are now constantly directed at judgments of our courts".***

2 Being a Dinner organized by the Nigerian Bar Association, Akure Branch in honour of Chief Wole Olanipekun, SAN on 16th July, 2021
3 (2013) 18 NWLR (Pt. 1385) 66 at 119 H
4 (2014) LPELR-24213, page 31-33 or (2015) 2 NWLR (Pt. 1443) 348
5 (2020) 3 NWLR (Pt. 1712) 470

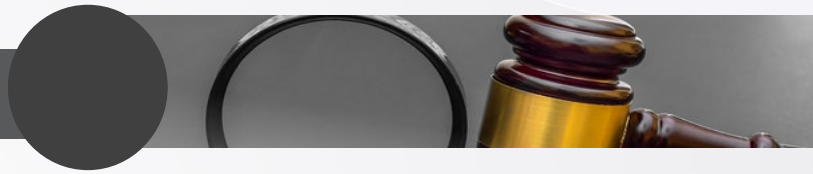


6.3 Truth be told, we would admit that the challenge persists till now. Let me highlight its manifestation in the nagging question of the competence or otherwise of **Originating Processes** signed in a Law Firm's name, which this Honourable Court unequivocally resolved in the negative in the landmark case of **Okafor v Nweke**[6] and subsequently reaffirmed in **FBN v Maiwada**[7] where I had the privilege of being invited as an *amicus curiae* by this Honourable Court. However, recent decisions of this Honourable in **Olowe v. Aluko**[8] on the one hand and **Menekaya v. Ezim**[9] on the other, have thrown the question to a sea of controversy. Whereas **Olowe v. Aluko** which was delivered on **23rd May, 2025** seemed to adopt a liberal approach to the principle in **Okafor v. Nweke, Menakaya v. Ezim** delivered barely two weeks later, reverted to the old order.

6.4 These, nonetheless, my Lord, the **Honourable, the Chief Justice of Nigeria**, again, deserves our commendation for his Lordship's commitment towards digitization of court precedents as one of the means to address the menace. While it is common knowledge that the judex, like all humans, may err, the essence of judicial precedent is one that cannot be over-emphasized. In the words of my Noble Lord, **Honourable Justice Musa Dattijo Muhammad**, in **State v. Gbahabo**[10]**:**

"***The doctrine of judicial precedent, or stare decisis, is aimed at certainty and discipline in the adjudication process. It makes it necessary for a court to follow its earlier judicial decision when the same issue arises again in litigation. The issue so decided and settled by the pronouncement of a competent court which it is directly and necessarily raised is no longer open to consideration and a different ruling by the same court of those bound to follow the ruling.***"

6.5 On another front, what appears to be an emerging concern with respect to classification of appeals, is the designation of all grounds of appeal bearing facts, no matter how undisputed, as grounds of mixed law and facts. May I point out that this portends a grave danger to the jurisprudence, as all grounds, no matter how legally inclined, bear some modicum of facts. After all, your Lordships have aptly held in a host of decisions, including **Audu v. Pandiri**,[11] **Ani v. Effiok**[12] and **Adebayo v. Shogo**,[13] that facts are the bedrock, nay, the fountainhead of law, as the court does not apply law in a nebulous clime. The consistent position of the Supreme Court from time immemorial is that a complaint of application of law to undisputed facts is a ground of law. In this wise, the court is urged to reconsider its recent stance in this genre of jurisprudence.

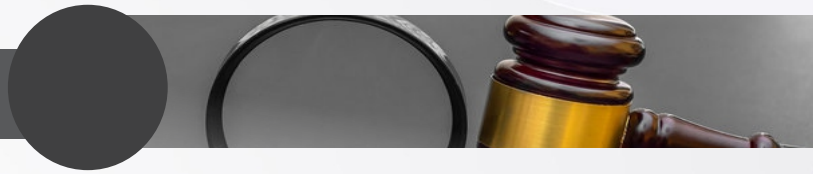


6.6 Also worth noting, is the recent disposition of the court to striking out appeals on the ground that the application for leave postdates the appeal. When the appeal is struck out, parties are caused to begin the process again by bringing fresh applications, thereby, duplicating the process of the same appeal. This unfortunately makes a revolving door of the court, thereby, perpetuating and duplicating the same appeal in the docket for ages. It is suggested that the court should be more amenable to subsequent redeeming applications and deeming orders, so as to achieve the ends of substantive justice. This approach aligns more with the observation of the court in **Ani v. Otu**[14], that "***the law makes room for them to realize their mistakes and file an application, which if granted, will correct defects in the notice of appeal, and bring about a valid and competent appeal."***

6.7 **My noble Lord, the Honourable, the Chief Justice of Nigeria**, may we reiterate our appeal that in order to reconcile all these conflicting decisions of both the Supreme Court and the Court of Appeal, there is the dire need for my noble Lord to convoke a team of Justices of the Supreme Court, Court of Appeal and leading members of the Bar, to identify these conflicting decisions, for a holistic reappraisal and ultimate settlement of the law by the Court of Appeal and the Supreme Court in respect of the issues involved. Coincidentally, the **Body of Benchers** had set up a Committee sometime in 2023 where *inter alia,* **BOSAN** had made representations in writing to **Hon. Justice Ibrahim Mohammed Tanko CJN** (as he then was) highlighting some of the conflicting decisions which needed harmonization. As of now, **BOSAN** has set up another Committee headed by **Dr. Alex Izinyon, SAN** to update some of these conflicting decisions for the attention of the Supreme Court and the Court of Appeal.

6.8 We also suggest that *amici curiae* should be invited to address the court in deserving circumstances requiring settlement of the position of the law on conflicting decisions. May I respectfully state that this would not be a novelty as the Supreme Court, *suo motu*, went through this route in **FBN v. Maiwada** (supra) and **Centre for Oil Pollution Watch v. NNPC**[15]. Although these two cases are not typically on conflicting decisions of the Supreme Court, the point being made is that, in the first case, this court constituted a full panel presided over by the Honourable **Justice Dahiru Musdapher, CJN** (of blessed memory), invited *amici curiae* and asked counsel to address it on whether or not its old decision in **Okafor v. Nweke**[16] should still represent the law; while in the latter case, a full panel was also constituted, presided over by **Justice W. S. Onnoghen, CJN (Rtd).**

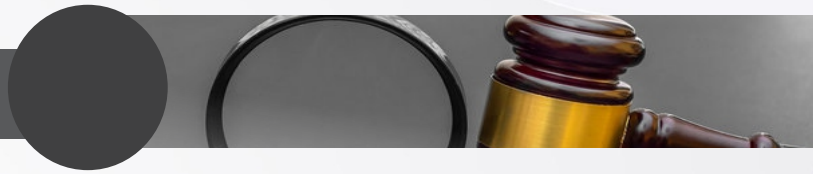
6 (2007) 10 NWLR (Pt. 1043) 521
7 (2013) 5 NWLR (Pt. 1348) 444
8 (2025) 13 NWLR (Pt. 2003) 517
9 (2025) 14 NWLR (Pt. 2005) 265
10 (2019) 14 NWLR (Pt. 1693) 522 at 538- 539
11 (2022) 9 NWLR (Pt. 1835) 269 at 296
12 (2023) 8 NWLR (Pt. 1887) 463 at 517
13 (2005) 7 NWLR (Pt. 925) 467
14 (2017) 12 NWLR (Pt. 1578) 30 at 56
15 (2019) 5 NWLR (Pt. 1666) 518
16 (2007) 10 NWLR (Pt. 1043) 521



Therein, amici were also invited, and the court *suo motu* directed counsel to address it on whether *locus standi* should vest in Non-Governmental Organizations (NGOs) to sue in respect of oil pollution cases. Our position, most humbly, is that, if this Honourable Court undertook these commendable initiatives in matters that were not as critical and topical as the subject of conflicting decisions, it is appropriate that it should do same or even go farther in a subject that is more concerning and disturbing – conflicting decisions.

6.9 The jurisprudence as we know it, is that where a court is faced with two conflicting decisions of the Supreme Court, the latter court, whether the Supreme Court or the Court of Appeal, is required to apply the latest of such decisions as constituting the extant position of the law. However, it has been noticed that a good number of the latter decisions of the court, which conflict with its previous decisions, do not expressly overrule or set aside the previous inconsistent decisions. This has over the years birthed another cacophonous principle which suggests that the latter court could elect which to follow, between any of the conflicting earlier positions of the previous courts. This could not have been the intendment of the curators of the doctrine of judicial precedent, who anticipated a situation of certainty in the *corpus juris*. For certainty and predictability of the law, courts, including the Supreme Court should consider themselves bound by precedents, particularly, in the presence of similar facts and circumstances. This is especially so, when the earlier decisions were cited to the court. A case in point is that of **Degi-Eremienyo v. P.D.P**.[17], where leading members of the profession, including **Chief Afe Babalola, SAN,** my humble self and the present **Honourable Attorney-General of the Federation** appeared and cited to the Court, its earlier decision in **Jev v Iyortom**[18] with similar facts and circumstances. However, the Court did not follow its said precedent while deprecating counsel for bringing an application of such ilk at all.

6.10 Somewhat similar to *Degi's case*, are other recent instances, where the Supreme Court perceived a patent error in its previous decision but, rather than overruling or departing from same, sidestepped them. For example, in ***Amadi v. Wopara*,**[19] the Supreme Court observed an error in its earlier decision in **Shittu v. Pan Ltd.**[20] on the issue of whether the Supreme Court has the jurisdiction to hear appeals involving grounds other than grounds of law. Rather than expressly departing from the earlier decision, the court merely described it as an *obiter*. The court's omission to unequivocally pronounce **Shittu v. Pan Ltd** as bad law, has unfortunately, snowballed into a jurisprudential albatross, when recently in **Anyanwu v Emmanuel,**[21] the apex court, relying on the same **Shittu v. Pan Ltd**., held that "**appeals on grounds of mixed law and facts are bound to terminate at the Court of Appeal."** So, as it stands today, there are two conflicting judicial positions on the jurisdiction of the Supreme Court to entertain appeals on grounds other than grounds of law.

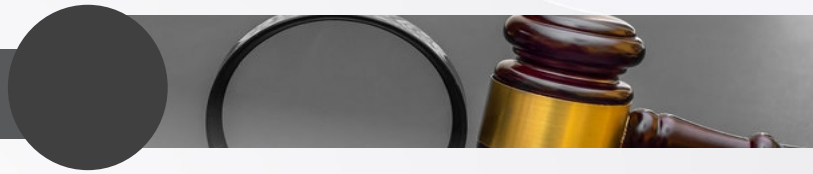


6.11 This situation has also reared its head, respectfully, in **Ogbuji v. Amadi,**[22] where this Honourable court became uncomfortable with its previous decision in **Nwaigwe v. Okere**[23] regarding the right of appeal from a Customary Court of Appeal to the Court of Appeal on issues of jurisdiction. Here again, this court was diplomatic in refusing to categorically characterize the earlier decision as bad law. Without going into the propriety or otherwise of the latter decisions, the concern being expressed here is as to the uncertainty and confusion created by the failure of the court to expressly overrule itself for the sake of stability in the body of laws.

7.0 FINALITY VERSUS FALLIBILITY

7.1 Adjunct to the above concerning subject, is the position of the court in relation to the fundamental issue of whether the Supreme Court should not, in appropriate circumstances, review its previous decisions, particularly when the Rules of Court permit the court to do so and the fact that judicial precedents, including **Jev v. Iyortom (supra)** and **G.T.B. Plc v. Innoson (Nig.) Ltd.**[24]**,** abound in that regard. **BOSAN** is minded to raise this point on this particular occasion, because the impression must not be created in the mind of the public, lawyers and the legal profession at large, that once the court delivers a judgment, it becomes final and final for all purposes, irrespective of the obvious errors in the said judgment. In his foreword to the book titled "F.R.A Williams through the cases", the erudite jurist, late **Justice Kayode Eso**, while lauding the virtues of the late doyen of Law, **F.R.A. Williams, SAN,** underscored the critical essence of the power of the Supreme Court to overrule itself and the onerous task imposed on counsel in the circumstance:

"Any advocate who would choose to take on an apex court in such circumstance would require what Professor Okonkwo called 'courage and skill'. Rotimi Williams utilized both, and got the apex court to change its earlier and well-reasoned decision in Potts-Johnson and a-fortiori, the law. A triumph to ingenuity, courage and the development of the law...It is true that apex courts do not alter their decisions lightly, yet Motayo was not an isolated case...But this biography also reveals that this great lawyer did not always succeed in his attempt to persuade the apex court, either to overrule, or not to overrule itself. And that is the beauty of the law. A lawyer need not always succeed to be great. The court, having been aware of its power to overrule its earlier decisions when necessary, used this principle to overrule Chief Williams himself, in the Inlaks case, where the great advocate was unable to persuade the court, this time, not to overrule its earlier decision."

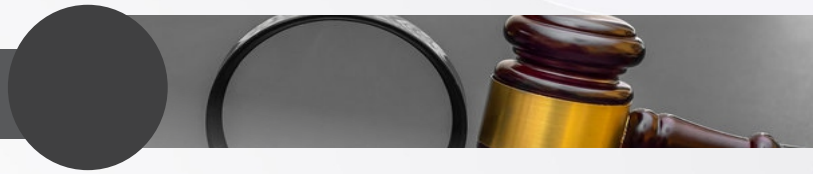


7.2 Quite recently, particularly, on 26th February, 2020, in **R (on the application of DN (Rwanda) (AP) v. Secretary for the Home Department**,[25] the Supreme Court of the **United Kingdom,** the country from where we inherited our common law, including the principle of finality and certainty of judgments of the apex court, qualified the extent of the principle of finality, in the following words:

> "***The need for finality in litigation does not warrant displacement of the Lumba Principle. As Lord Carnwarth says, finality and legal certainty are desirable objectives. But they cannot extinguish a clear legal right…the desiderata of finality and certainty cannot impinge on that inevitable result."***

7.3 Also, recently, the Supreme Court of the United States of America, in ***Dobbs v. Jackson Women's Health Organization,***[26] overruled the agelong position in **Roe v. Wade**,[27] which had earlier guaranteed a constitutional right to abortion. Even more relatable, is the recent decision of the **Business and Property Courts of England & Wales**, in **Federal Republic of Nigeria v. Process & Industrial Developments Limited** (popularly known as the **P & ID case**), where in setting aside the arbitration award obtained by P& ID against the Federal Republic of Nigeria, the court, presided over by the **Hon. Mr. Justice Robin Knowles, CBE.,** observed that "***the Awards were obtained by fraud and the Awards were and the way in which they were procured was contrary to public policy***." By that decision, the Federal Republic of Nigeria was saved the humongous exposure which had crystalised to about **US$ 11 Billion** at the time. Had there been no such opportunity for a reconsideration and correction of the error, the monumental injustice done to Nigeria would have gone unredressed, with the attendant economic impact on the generality of the country.

17 (2021) 16 NWLR (Pt.1800) 387
18 (2015) 15 NWLR (Pt. 1483) 484
19 (2022) 1 NWLR (Pt. 1811) 359 at 372
20 (2018) 15 NWLR (Pt. 1642) 195 at 209-210
21 (2025) 14 NWLR (Pt. 2006) 531 at 586
22 (2022) 5 NWLR (Pt. 1822) 99 at 138
23 (2008) 13 NWLR (Pt. 1105) 445 at 475
24 (2022) 6 NWLR (Pt. 1825) 35
25 (2020) UKSC 7
26 *597 U.S. 215 (2022)*
27 U.S 113 (1973)



7.4 My **noble Lord**, the **Honourable Justice Uwani Musa Abba Aji**, **JSC** painstakingly highlighted circumstances where the Supreme Court may overrule or set aside its decision, in **Stanbic IBTC Bank Plc. V. Longterm Global Capital Limited & Anor.**[29] While we should not in any way be mistaken as dictating to the apex court and its highly revered Justices, may we refer to the decision of the court in **Adegoke Motors Ltd. v. Adesanya**[30], where the quintessential jurist, Oputa, JSC, while resounding the words of Justice Robert H. Jackson of the US Supreme Court in **Brown v. Allen**[31], made the following profound observations:

> ***"We are final not because we are infallible, rather we are infallible because we are final. Justices of this Court are human-beings, capable of erring. It will certainly be short- sighted arrogance not to accept this obvious truth. It is also true that this Court can do inestimable good through its wise decisions. Similarly, the Court can do incalculable harm through its mistakes. When therefore it appears to learned counsel that any decision of this Court has been given per incuriam, such counsel should have the boldness and courage to ask that such a decision be over-ruled. This Court has the power to over-rule itself (and has done so in the past) for it gladly accepts that it is far better to admit an error than to persevere, in error."***

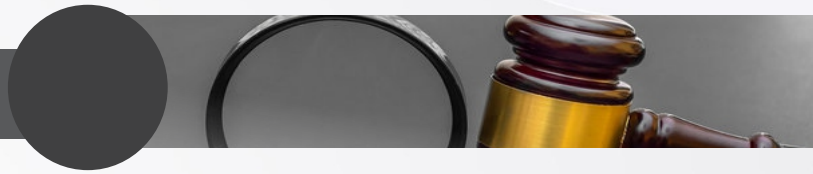
7.5 Let me also urge members of the Bar, as Ministers in this hallowed Temple of Justice, to wake up to our responsibility of assisting the court in arriving at sound decisions through our submissions, quality research, good faith and adherence to ethics. In similar manner, I also pray our noble Justices of the Supreme Court to, in exercising their constitutional powers as the final court, continue to promote and encourage robust advocacy, as well as *esprit de corps* between the Bar and the Bench. This, I humbly submit, will enable our courts to harness the full benefit of scholarship at the Bar. Permit me again, to allude to the probing words of the erudite **Justice Kayode Eso**, who once retorted: **"What will be the value of law when it fails to solve problems created by the law itself?**

28 **Neutral Citation Number: [2023] EWHC 2638 (Comm), delivered on 23rd October, 2023.**
29 **(2020) 2 NWLR (Pt. 1707) 1at 17-18**
30 **(1989) 3 NWLR (Pt. 109) 250 at 274-275**
31 **344 U.S. 443 (1953)**

8.0 JUDICIALIZATION OF THE BALLOT

8.1 At the introductory stage of this Address, we had commended the efforts of His Lordship, the Honourable CJN towards decongesting the dockets and facilitating speedy adjudication. However, our democratic experiment has not assisted in the mitigation of this excessive pressure. Contrary to the agelong principle laid down by this Honourable Court in **Onuoha v. Okafor**[32] on the limited scope of the court's intervention in political questions and issues of internal party affairs, today, the courts determine almost everything, including disputes connected with state/zonal executive offices of political parties. As recent experience shows, this area again, is one that breeds manifest inconsistencies in our electoral jurisprudence. Nigerians, particularly the politicians and all stakeholders in our democratic endeavour should not, advertently or inadvertently, cautiously or otherwise, tinker or further tinker with the idea that after the electorate has freely elected their representatives in a freely conducted election, with winners emerging, their plebiscite has to be sanctioned, approved or stamped by judicial plebiscite; thus, placing undue burden on the judiciary at every level. The resultant effect is the invitation to the judiciary to participate in making decisions on very murky, controversial, intriguing and, at times, very bitterly contested elections. Decisions of our courts in the circumstances, either way, would in most cases, be subjected to subjective and adversarial criticisms, majority of which are not only biting, but, more often than not, insulting, abusive and condescending. No judiciary in the world, not even that of **India** which is its largest democracy, is nearly as involved in sensitive and highly controversial electoral disputations, as ours. Collectively, we all as legal professionals must reflect on this, and continue to advocate for the law as it ought to be (as against what it is now) when it comes to electoral matters; otherwise, we will wake up tomorrow, only to find out that our profession, particularly, the judiciary, has lost a substantial part or chunk of its respect, awe and aura, to put it mildly. We must tell politicians and, indeed the nation, that we do not encourage **'judicialization of our democracy.'** A rider to this call is a plea to both the National and State Assemblies to earnestly make laws that will guarantee free and fair elections all over.

8.2 Nigerian politicians must learn to emulate their counterparts, not just in the western countries, but even in fellow African countries, where defeats have been conceded in sportsmanlike manner. For instance, in the **United States of America's** election of 2024, the then incumbent President, **Joe Biden** of the **Democratic Party** was swift at congratulating Donald Trump of the **Republican party,** after the latter emerged as winner of the election. In the United Kingdom, the then incumbent majority party, the **Conservative Party,** lost to the **Labour Party** at the general election and there was no drama before **Prime Minister - Rishi Sunak** conceded defeat and congratulated Sir Keir Starmer.



Coming nearer home and very recently, after the Malawian 2025 general election which produced **Peter Mutharika** of the opposition party, the incumbent President, **Lazarus Chakwera** wasted no time in conceding defeat and congratulating the winner of the election. I must not forget the rare and commendable precedent set by the former President of Nigeria, **Dr. Goodluck Ebele Jonathan** in this regard and I think that it has become necessary for Nigerian politicians to borrow this leaf for the benefit of the polity and the decongestion of the courts.

1.2 At the risk of being misunderstood, this does not suggest that litigants who have genuine causes to approach the Courts, seeking certain redresses, should not. They should, as the Court remains the last hope of the common man. This is simply a call for political responsibility amongst the political class.

1.3 Owing to the stiff competition for space and attention within the court's docket, the Constitution and some specialized statutes have continued to provide that priority be accorded to certain subjects. So, while **section 285 of the Constitution** has legislated for timely conclusion of electoral cases, other statutes like the **Asset Management Corporation of Nigeria (AMCON) Act, Investment and Securities Act/Investment and Securities Tribunal Rules and Practice Directions; Child's Rights Act; Trade Disputes Act**, etc., all provide that priority should be accorded to their respective subjects. I hold the view that every case should be given the deserved attention and dispatch in its consideration and determination. As far as I am concerned, every litigant deserves justice, just like the other litigant. Accordingly, it would be antithetical to the ideals of equity and equality, if the best way to achieve speedy dispensation of justice is to give precedence to some cases over the others.

9.0 APPOINTMENT OF APPELLATE COURT JUSTICES FROM THE BAR AND THE ACADEMIA

9.1 When **BOSAN** makes the call for the appointment of Justices to the appellate court from both the Bar and the Bench, it simply advocates a system of inclusivity that accommodates both serving Judges and Justices on the one hand and members of the **Bar**; and by the **Bar**, it means both from the Inner and Utter Bar, as well as the academia. There is no doubt that we have very brilliant lawyers from both cadres of the Bar and the academia. Good enough, this apex court of ours, has had the likes of **Prof. Taslim Olawale Elias, CJN**, **Augustine Nnamani, JSC** and a host of others, appointed both from the **Bar** and **academia**.

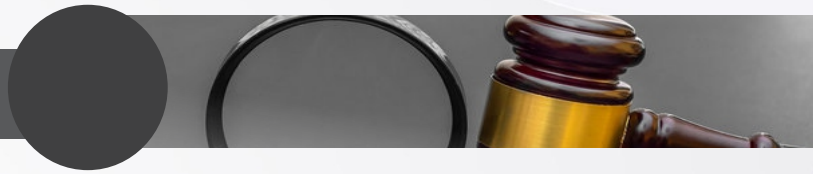
32 **(1983) CLR 10(a) (SC)**

While the first indigenous Chief Justice of Nigeria was about to retire, among the three foremost candidates considered for appointment to replace him were **Dr. Taslim Olawale Elias, Chief F.R.A. Williams, SAN and Hon. Justice Udo Udoma. Dr. Elias** was from the academia, **Chief Williams was** from the **Bar**, while **Justice Udo Udoma** was from the **Supreme Court Bench**. In his autobiography titled "Flashback" the learned jurist, **Justice Akinola Aguda**, a retired Chief Judge of Ondo State, narrated at page 116 of the book, how he was on the verge of being appointed as a successor to the **Honourable Justice Fatayi-Williams** as the Honourable Chief Justice of Nigeria:

"On the day of the Fatayi-Williams' send-off dinner, one senior member of the Bar, the late Mr. CO Adesanya, requested me to see him at his Victoria Island home. I called on him on my way to the dinner. He told me that Shagari was going to announce my appointment as the new Chief Justice at that dinner. As he was flying out that night, he thought he might congratulate me in advance, and he would send a cable from overseas. I thanked him, but showed no emotion as I had had reliable information that much as Shagari wanted me, some persons had frightened him."

9.2 The likes of **Kayode Eso, JSC, Anthony Idigbe, JSC, Kawu, JSC, Chukwudifu Oputa, JSC, Craig, JSC, Mohammed Bello, CJN, Anthony Aniagolu, JSC, Obaseki, JSC**, were Chief Judges of their respective States before their direct elevation to the Supreme Court, and we bear eloquent testimony to the fact that they did the Bench and the profession proud. Our research further shows that in countries like **Argentina, Denmark, USA, Singapore, Japan**, etc., appointment to their respective apex courts is drawn from the cross sections of the profession.

9.3 During his spell as the **Chief Justice of Nigeria,** My Lord, the **Honourable Justice Dahiru Musdapher** (of blessed memory) inaugurated the **Judicial Reform Stakeholders' Committee,** with diverse terms of reference, on how to transform and reenergize the judiciary. I had the privilege of serving as a member of the committee alongside other top brass of the legal profession cutting across the Bar and the Bench, under the chairmanship of the **Hon. Justice Idris Legbo Kutigi**. The committee came up with profound recommendations on the reform of the judiciary and among them, is the need for the apex court to be composed of appointees from the Bench, the Bar and the academia. By the Bench, we mean the Bench of the High Court and the Court of Appeal. We humbly urge **my Lord, the Honourable, the CJN**, to call in the recommendations of the Judicial Reform Stakeholders' Committee for implementation.



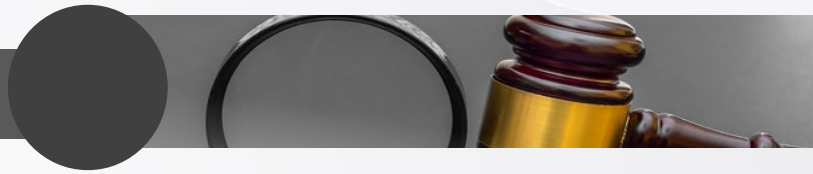
1.1 Coincidentally, **the NJC** was a co-convener of **the National Summit on Justice, 2024** where the keynote speaker was **Dr. Willie Mutunga,** whose first judicial assignment was as Justice of the Supreme Court of Kenya in 2011. Prior to that period, he was an academic and practitioner in the Human Rights institution. If the NJC appreciated **Hon. Justice Mutunga's** pedigree enough to make His Lordship a keynote speaker at its flagship maiden **Justice Summit**, then we must also seek to create our own example of jurists in his mould.

10.0 CHARGE TO THE NEW SENIOR ADVOCATES OF NIGERIA

10.1 I now turn to the new **Senior Advocates of Nigeria** who have just been sworn-in today. May we quickly draw your attention to the symbolic nature of the oath you have taken, which is substantially like the judicial oath subscribed to by judges of any of our superior courts. You have sworn to defend and protect the Constitution and to assist any judge before whom you appear in the administration of justice. Among legal practitioners generally, it is only Senior Advocates of Nigeria who subscribe to such oaths. Taking the Silk bestows on you a host of privileges, as well as an avalanche of responsibilities. Your elevation to the rank of Senior Advocate of Nigeria grants you the privilege to put on the Silk, sit at the Inner Bar and have your cases called out of turn, amongst other privileges. These privileges, being ancillary benefits of your new rank, carry with them corresponding responsibilities of exemplariness in demeanour, gracefulness in carriage, excellence in character, as well as profundity of advocacy and general practice of the law. I must also add that it is not a license to brandish the title in the public, but to demonstrate the highest sense of dignity, restraint and gracefulness even in the face of provocation.

10.2 Let me share a not-so-popular anecdote to drive home my point. A newly elevated Senior Advocate had suddenly run out of fuel in his car and so he stopped by at a fuelling station to fill his tank, only to meet a very long queue. Having waited for so long, our freshly minted learned brother of the Silk navigated his way towards one of the fuel attendants and charged at him in a fit of rage: "Why didn't you call my car out of turn, don't you know I am an SAN?" (*or words to that effect*). The bewildered fuel attendant, retorted, "please what is an SAN?".

10.3 On another wicket, your new status confers on you the burden of an Olympic champion who is expected to defend his title at the next tournament. This is a lifetime moral obligation that you must discharge with grace and candour; both in the quality of your advocacy and in your relationship with the society at large, and it is a duty which, without sounding immodest, I have strived to discharge in the past thirty-four (34) years.



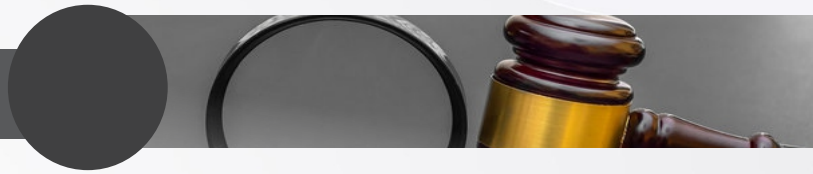
In essence, the fact that your colleague appears more successful today, does not necessarily mean that you would also not succeed someday, with the necessary hard-work and dedication required of our trade. I wish to also commend to you, the admonition of **Apostle Paul** to the **Church in Corinth**, where he noted with emphasis that:

"***When they measure themselves by themselves and compare themselves with themselves, they are not wise***."

10.5 Having had the privilege of training some of you at our law firm and also leading a good number of you in cases at the High Court, Court of Appeal and the Supreme Court, I can attest to your profundity and refined expertise. May I also implore you to give optimum commitment to mentorship of junior counsel in order to revamp the dwindling culture of pupillage in our profession. This has not impacted positively on the quality of the practice of law as required. It is rather unfortunate that these days, lawyers elect to go straight from the Nigerian Law School into solo practice of law. Most often than not, this aversion to pupillage is informed by inadequate welfare provisions by Senior counsel for their pupils during the course of the pupillage. While welcoming you on board, it is my prayer that you would make monumental successes of your entry to the **Inner Bar**; and may none of you have any cause or reason for these privileges to be withdrawn or suspended.

11.0 UNITY AND INDIVISIBILITY OF BOSAN

11.1 It is apt at this stage, to advise our learned colleagues who have been inaugurated into the Inner Bar, that by virtue of your being sworn in today, you have all become members of the **Body of Senior Advocates of Nigeria (BOSAN).** It is noteworthy that just recently, **BOSAN** conducted an orientation course for you, in which I believe that you all participated. Let me reiterate that there is only one **BOSAN**, with its office at the **Nigerian Law School, Lagos Campus**. Our meetings are held quarterly or as and when necessary and presently rotated between Lagos, Abuja and Port Harcourt. By tradition and convention, whoever is the most senior living Senior Advocate of Nigeria is the leader of **BOSAN**, while our constitution recognises the **Attorney-General of the Federation** (if he is a Senior Advocate of Nigeria), as the Chairman, who presides over our meetings, whenever he is present. Presently, the leader of **BOSAN**, is the forensic scholar, **Professor A.B. Kasumu, SAN,** at whose behest, I am delivering this address. At **BOSAN,** we do not lobby or contest offices, as one cannot contest the leadership of **BOSAN** with his senior in the profession.



While other offices like that of the secretary, treasurer, etc., are open for elections, it is on record that they have always been filled through consensus. At your different locations, always bear in mind that even amongst you who have been sworn in today, whoever is the most senior at any occasion or forum (if a more senior Silk is not present) automatically assumes the leadership and right to speak on behalf of **BOSAN**. Activities of **BOSAN** are usually carried out through the **BOSAN** Leadership Committee, working in concert with the National Secretariat, headed by the Secretary. It was that Committee that organised the orientation exercise done for you recently.

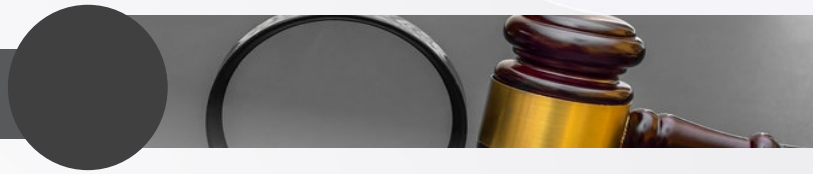
11.2 In this wise, I must commend the **Hon. Attorney General of the Federation - Prince L.O. Fagbemi, SAN** for his unalloyed support and unflinching commitment to the cause of **BOSAN,** its leadership role and indivisibility. Let me state for the records that he has made remarkable interventions at varying appropriate times and junctures to preserve the unity and integrity of **BOSAN. Honourable Attorney General of the Federation**, we appreciate you, and also commend your leadership acumen. In simple terms, our dearly new colleagues, are admonished to always bear in mind that all over, and throughout Nigeria, there is only one **BOSAN.**

12.0 RELATIONSHIP WITH THE NBA

12.1 It is on record that **BOSAN** has always cultivated and maintained a cordial relationship with the **NBA**. I stand here as a living testimony as I was once the President of the Association, while my immediate two predecessors-in-office, as well as my immediate nine successors-in-office (except one) are members of BOSAN. Arising from the foregoing, BOSAN reiterates its fraternal cooperation with the NBA, under the leadership of one of its cherished members - **Mazi Afam Osigwe, SAN.** While wishing our respected colleague a continued success as the **32nd President of the NBA,** we reaffirm our support, assistance and guidance to him and his team.

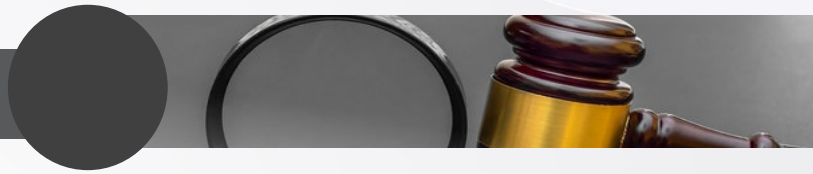
13.0 BREAKTHROUGH ON REVIEW OF JUDICIAL EMOLUMENT

13.1 While we commend the administration of **President Bola Ahmed Tinubu, GCFR,** on the implementation of the recommendations on emoluments for the judicial officers of our superior courts, it is apt on an occasion like this, to equally commend the past administration of **President Muhammadu Buhari, GCFR,** through whom, the **Body of Benchers** kick-started the process for the review of the emoluments of judicial officers of our superior courts.



Coincidentally, my noble Lord, the Chief Justice of Nigeria was at the meeting which the **Judiciary Advisory Committee** of the Body of Benchers had with the Justices of the Supreme Court on 28th June, 2022, on the heels of the loud complaints of the respected jurists of our Supreme Court, concerning their well-being and welfare. I recall that amongst other distinguished Justices of the Supreme Court at that meeting were the immediate past Chief Justice of Nigeria, **Hon. Justice Abba-Aji, Hon. Justice Agim,** and the late **Hon. Justice C. Nweze**. Providentially, it was through your Lordship's contribution at that meeting that we heard with bated breath, that the entire package of a Justice of the Supreme Court, in terms of salaries, allowances, et al, was less than N800,000 a month. We were bewildered by that information; so also was **President Muhammadu Buhari**, when we narrated same to him at our meeting of 28th July, 2022, and he promised to address the appalling situation immediately. He emphatically reiterated his promise in his speech at the official commissioning of the Body of Benchers' Complex on 29th September, 2022. Before then, he had on the intervention of **BOB**, directed the implementation of the recommendations of the *Ad hoc* committee of review of salaries and emoluments of judicial officers in 2018.

13.2 President Tinubu's commitment to the welfare of judicial officers is legendary, starting from his days as the Governor of Lagos State. One could, therefore, not have been surprised, when his administration vigorously continued and finalised the implementation of the project. Fortunately, the energetic **Attorney-General of the Federation, Prince Lateef Fagbemi, SAN**, was a key player in the BOB initiative, as he contributed N5,000,000 to the bill of Messrs. Ernst & Young (the firm of financial experts commissioned by the Body of Benchers to carry out a comprehensive peer review of the conditions of service and emoluments of judicial officers of our superior courts, with those of their counterparts in other African jurisdictions) while I, as the then Chairman of BOB, paid the balance of N10,000,000. For record purposes, as well as to correct any misconception or misinformation on this subject, this breakthrough came about by the combination of the efforts of diverse well-meaning members of the legal profession. Having said this, the fact remains that there is the need for a continuous improvement on the package in conformity with economic realities.



14.0 CONCLUSION

14.1 In conclusion, **my noble Lord, the Honourable, the Chief Justice of Nigeria,** My Lords of the Supreme Court of Nigeria, on behalf of the **Body of Senior Advocates of Nigeria**, I felicitate the Supreme Court on this epoch-making twin-occasion of the celebration of the new legal year and the swearing-in of **fifty-seven** Senior Advocates of Nigeria; thus, heralding the dawn of the **2025/2026** legal year. My fervent prayer is that, though the roads may be rough, the weather inclement and the environment hostile, may the **Almighty God**, for whom your Lordships are holding justice in trust, endow you with sufficient strength, courage, patience and wisdom to navigate your way to the terminal of justice, the real attribute of the Almighty God.

14.2 Thank you for listening.

Chief Wole Olanipekun,
CFR, SAN, LL.D, D.Litt, FCIArb, FNIALS

29th September, 2025

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