

A CRITICAL REVIEW OF CONFLICTING JUDGEMENTS OF APPELLATE COURTS IN ELECTION MATTERS

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Abstract

The conflicting judgments of courts even in election matters can in effect • destroy the very foundation of the Rule of law, democracy and any decent society. It erodes the confidence of people in the judiciary especially when judgments are alleged to emanate under very questionable circumstance This as a matter of fact hinges on judicial precedents, Rather than our courts providing solutions to conflicts, they are now embroiled and enmeshed in confusions and conflicts emanating from contradictory and/or conflicting decisions of the appellate courts especially Court of Appeal where we have a notorious fact of an avalanche of conflicting judgments by different Divisions or Panels on election matters. In this paper conflicting judgments of the appellate court is discussed as well as the effect of conflicting judgments by the appellate courts i.e the Court of Appeal and Supreme Court and the way out of these apparent conflicts quagmire called conflict of judgments in election matters.

The spread and reach of election matters as one of the known pillars of democracy automatically galvanizes the people for or against a particular candidate or political party who are parties in an election matter before the court. Election matters therefore cover not just the interest of the litigants but the community are very important proceedings from the public point of view. (Nwobodo V. Onoh 1984)

In 2011 when the Chief Justice of Nigeria, (CJN) the Rt. Honourable Justice Dahiru Musdapher GCON, appeared before, the senate of The Federal Republic of Nigeria, to be screened for confirmation, the .senate put the question to and indeed set an agenda for him to address the issue of conflicting judgments in election matters. This is an embarrassment to the entire judiciary and of course says a lot about the confidence of the Law makers in the Judgments of our courts.

The Nigerian Bar Association (NBA) also recognizes this problem as a malignant cancer. In times past, when the courts were to depart from their judgments reasons for such action are given and the present case would distinguish the earlier authority where necessary . Now we have judgments that will not distinguish an earlier authority even when cited before the court. This, not only creates confusion, but totally erodes the confidence of the people in the judiciary and destroys the principle of *stare decisis* which is one of the pillars of the Rule of Law.

Mr. Oluwarotimi Akeredolu SAN. former NBA president in April 2010 at the Supreme Court had this to say on the issue-

The bar has noticed with increasing discomfiture the conflicting decisions emanating from our appellate courts. The court of Appeal has found itself in and embarrassing quagmire arising from the desperate pronouncements on matters which are, as lawyers will say "on all fours" with all decisions reached by the same court".(emphasis mine)

The current NBA president Mr. J. Daudu, SAN., recently decried conflicting decisions of the Abuja, Makurdi, Calabar and Kaduna Divisions of the Court of Appeal on the matter of initiating pre-hearing sessions in election matters and even said "...the court judgements are now given on cash and carry basis", (emphasis mine). Whether these pronouncements are desperate or procured on cash and carry basis or for want of knowledge, however, it is the effect of these conflicting judgement that is more worrisome. Professor Yemi Osibanjo, SAN., in a recent paper titled " The Rule of Law: The foundations are shaking!" expressed his concern in these words at page 7 of the paper, thus:-

"Conflicting decisions of the appellate courts by themselves, though frustrating for legal practitioners, are to be expected. However, where conflicts are frequent, the reliability of decisions of our courts, a vital aspect of our procedural system of adjudication is lost".

Clearly the foundation of most of these conflicting judgements and or rulings in election matters are rooted in unnecessary adherence to legal technicalities excluded either by statute and or case law authorities. The victims whose cases have not been heard continue in battle to get justice even after their fate had been pre-maturely terminated. Most of the case pending before the National Judicial Council (NJC), are a fallout of election matters determined on technicalities.

The Supreme Court in **Nwobodo V. Onoh** (1984) per UWAIS JSC (as he then was) said:- *election petitions are by their nature peculiar from other proceedings and are very important from the other points of view of public policy. It is the duty of the courts therefore to hear them without allowing technicalities to unduly falter their jurisdiction...*

In **Abubakar V. Yar'dua (2008)** The Supreme Court held thus:-

An election petition is Sui generis. That is to say, it is in a class by itself. Surely, this is no longer a moot point. It is different from Common Law Civil action. This must be borne in mind throughout these proceedings.

Equally the special nature of election petitions is restated in **Uduma V. Arunsi** (2002) that

Election petitions are sui generis their the very nature makes them peculiar sometimes the general statement of the law applicable in ordinary civil litigation

The above clearly articulates the law that election matters are *sui generis* and should be heard without any unnecessary adherence to technicalities which only add up to further compound the situation and heat up the policy. The Court of Appeal in **Prince Nwole V. Iwuagwu** (2004:88) allowed appellants appeal and order the petition to be struck out for non-joinder of necessary parties and to be heard on the merit by another panel at the Election Tribunal, wherein the Court of Appeal per Adeniji JCA at page 88G-H held:

"It is my humble view that in all election matters, the use of technicalities should be avoided. It merely helps to shut the opponent out. It never resolves the basic issues in controversy. Once it is agreed that election petitions are in a class of their own, the handling of the matter too must take a form devoid of legal technicalities that tends to leave the litigants more confused".

See also Ogebe JCA (as he then was) in **Abubakar V. Yar'dua** (2008: 543) where he held thus:-

I have given a very serious thought to the submission of counsel on all sides and it is clear that the motion paper has some lapses which counsel to the applicants should have corrected before filling the application. For example, what the relief is seeking is actually not an amendment of the petition but leave to call more witnesses with their statements on oaths.

In a presidential election petition of this magnitude, it is in the interest of justice that parties are given full opportunity to ventilate their cases without the regard to technicalities. Since the list of witnesses and their statements on oath were filed in the registry of this court on the 17th of August, 2007 they are properly before the court and accordingly I grant leave to the applicants to call additional witnesses...

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In these cases, the Court of Appeal in interpreting the Electoral Act allowed the hearing of the petition cause of justice to prevail over technicalities.

The Court of Appeal, which has several Divisions, has handed down conflicting judgments and decisions in its interpretation of the Electoral Act and other enactments on election

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litigations. A glaring example is the conflicting interpretation of paragraph 18 (1) of the First Schedule to the Electoral Act 2010 as Amended in respect of the procedure for initiating pre-hearing session. Panels or Divisions of the Court of Appeal in Port Harcourt, Calabar, Kaduna, Makurdi and Ibadan have all given contradictory and conflicting judgements/decisions which have occasioned so much injustice, uncertainty and confusion and the Supreme Court clarified the position in the cases of the Governorship petitions in Akwa Ibom and Benue States. The Supreme Court weighed in on the side of substantial justice. The victims of technicalities have continued to cry for justice which now put a lot of pressure on the judiciary.

We have seen conflicting decisions of the same judges of the Court of Appeal in Lagos, Osun, Ogun and Ekiti states in election litigations on matters that the facts and circumstances are similar arriving at different decisions to the embarrassment of the Bar and Bench. There are numerous conflicting decisions on matters of the Court of Appeal however we shall list a few cases as illustrations to drive home the point.

The Court of Appeal in some cases dismissed the use of a particular colour of biro for accreditation of voters other than the one prescribed in the manual for conduct of election as inconsequential. But the court of Appeal **Fayemi Vs. Oni** (2010) nullified the Ekiti State Governorship elections in 63 out of the 177 wards in Ekiti State just because accreditation was done with a RED BIRO instead of blue stipulated by the manual for the conduct of election. The court of Appeal in this judgment also shifted the burden of proof for non-accreditation from the petitioner to the respondent.

In **Amosun V. Daniel** (2005) Ogun state Governorship Election Petition, the court of Appeal held that one Tunde Yadeke was not an expert in the examination and analysis of electoral materials. But, in the **Areghbesola Vs. Oyinlola** (2009) Osun State Governorship Election Petition, the Court of Appeal ruled that Tunde Yadeke was an expert. These are two cases with similar facts but on which different judgments were delivered. The irony is that some members featured in the panels of the court in these two cases.

We shall further illustrate on judgments of the Court of Appeal, which conflict one with other. One of the conflicts is on whether or not witness statement on Oath must include the exact words used in the first scheduled of the Oath Act. In **Obumneke V. Sylvester** (2010) the issue for determination was whether the petition was incompetent in view of the fact that the petitioner failed to use the exact words used by the legislature of the first schedule to the Oaths Act, 2004, in concluding his statement on Oath. The Court of Appeal held that failure to use the exact words or format prescribed by the legislature in the 1st schedule to the Oath Act in concluding the statements on oath is fatal and rendered the statements inadmissible (Admissibility).

However, the Court of Appeal on the same issue in **Ibrahim V. INEC** (2007) held thus:-

The clear intention of the legislature under the Oath titled 'Statutory Declaration' is to afford persons who intend to make declaration such as marriage, age or assets to subscribe to that declaration. It is not the intention of the legislature that the wording of the affidavit to render it valid (Non Compliance not fatal to petition)

Onwuka Nkeiruka V. Dimobi Joseph (2009) is another judgment of the Court of Appeal that conflicts with **Ibrahim Vs. INEC** (2007) concerning the application of the Oath Act to a Statement on Oath. The Court of Appeal, Enugu Division held that non compliance of written statement on Oath with provisions of section 13 of the Oath Act and paragraph 1(1)(b) of the Practice Direction 2007 is fatal to an election petition. (Jurisdictional mater. It must be noted that these witnesses must be sworn on oath before the court, before adopting their witness statement on Oath. So what really is the intention of the legislature? Despite all the above, the clear and unambiguous provision of paragraph 41(1) of the Electoral Act 2010 as Amended states thus:

“41(1) subject to any statutory provision or any provision of these paragraphs relating to evidence, any fact required to be proved at the hearing of a petition shall be proved by written depositions and oral examination of witnesses in open court.”

41(2) Documents which parties consented to at the pre-hearing session or rather exhibits shall be tendered from the bar or by the party where he is not represented by legal practitioner.

41(3) There shall be no oral examination of a witness during evidence-in-chief except to lead the witness to adopt his written deposition and tendered in evidence all disputed documents or other exhibits referred to in the deposition.

(8) Some with leave of the Tribunal or Court, no document, plan, photograph or model shall be received in evidence at the hearing of a petition unless it has been listed or filed along with the petition in the case of the petitioner or filed along with reply in the case of the respondent.

The above provision of paragraph 41(1) quoted above, did not use the word “Oath” to describe witness written deposition. Should the practice direction override this? Practice Direction is to assist the court in doing, justice. See the provisions of paragraph 53(1) of the Electoral Act 2010 as amended which states thus:

Non compliance with any of the provisions of this schedule or with a rule of practice for the time being operative, except otherwise stated or implied, shall not render any proceeding void, unless the Tribunal or Court so directs, but the proceedings may be set aside wholly or in part as irregular, or amended, or otherwise dealt with in such manner and on such terms as the Tribunal or Court may deem fit and just.

The provisions of paragraph 41(1) of Electoral Act 2010 does not support that finding but before adoption, the witness deposition could be said to be so. But after its adoption in open court and it is unchallenged or not discredited under cross-examination and no opposing deposition on the other side as to grant the court a discretion as to which to believe, the court must act on it as credible and unchallenged evidence before it.

In the Presidential Election Petition – **CPC (Congress for Progressive change) V. INEC & Others (2011)** , the Court of Appeal Abuja Division held thus:

“That witness statements on Oath are mere depositions”

In **CPC V. INEC & Othes** (supra) the Court of Appeal held original (duplicate) copy of election results in Forms ECS series are primary evidence requiring to certificate for its admissibility, but turned around to reject the same set of documents from about 24 states including the report of the petitioner analyzing the results shown on these Form ECS series on the ground that the witness had no personal knowledge of the documents. Even when the documents were all adjudged relevant and in issue in the same ruling (having admitted same from Anambra State). The provisions of paragraph 41(8) of the Electoral Act 2010 as amended quoted above is clear once it has been complied with, no reason should be advanced to reject any exhibit in Electoral matters.. The only recourse left to the court is the weight to be attached.

In fact, in the course of hearing the same petition, a petitioner’s witness tended photocopy of his own handwritten petition to INEC, with copy sent to and receive at State Security Services Office in Owerri, Imo State. INEC did not deny the existence of the letter, notice to produce was issued and served. The letter was pleaded and listed amongst the list of documents. The letter was a compliant raised on the day of the election against the conduct of the election held on the same day. The court rejected it on ground that it was a photocopy. Is that not technicality?

One can agree with me that the list is not exhaustive but the point I wish to make is that legal technicalities are there to assist the cause of justice and not to be deployed to defeat the clear intention of the law or to depart the clear intention of the law or to depart from established principles of law in election matters where these established principles would work hardship, the courts are enjoined to do

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substantial justice. The truth is that a tribunal may come to the same conclusion after hearing all the parties as that will give the court credibility in the discharge of its duties. The Election Tribunal is, strictly speaking, a fact finding body and only the truth will calm frayed nerves after an election and unite the people. Technicalities will only enable politicians exploit the difference of our people and/or defects in the system, weaken it and may even destroy it. We all at the Bar and Bench must come together to resist this pressure on the judiciary. It is said that everyone has a price but we owe the profession the duty not to let litigants or politicians know the weakness of the judiciary. By our actions and pronouncements, we must insulate them at all times. If we do that, they would be courageous to show knowledge and stand with justice in any situation they find themselves.

We must note, the effort of the CJN, Right Honourable Justice Dahiru Musdapher, GCON by some administrative intervention and through the Supreme Court where such opportunities are available to correct this malaise. I must say the administrative intervention might be appropriate and make the Supreme Court proactive but a times such intervention may be *ultra vires* the powers of the Honourable CJN, when indeed there is a proceeding before a court of competent jurisdiction. He has even expressed his frustration at some of the things he noticed as the leader of the judicial when he painfully observed that, a corrupt judge (allow me say a bad judge) is worse than a mad man with a gun.

The reality today is that so many, politician representing their people in the local councils, States House of Assembly, House of Representatives, Senates, Governors are either not supposed to be there to have been aided to secure their seats by judicial misadventure. This is not democracy. The courts will assist the cause of true democracy, if technicalities are put aside and actual winners of elections are the ones representing the interest of the people at all levels of governance.

What happens to Mr. Jude Eluemuno Azekwoh, DPP Delta North Senatorial candidate who was adjudged lost the election. His petition before the Tribunal was dismissed because he initiated Pre-Trial session with a letter. He appealed to the Court of Appeal, Benin Division. His appeal was struck out for being out of time with no opportunity to regularize. Now that Supreme Court has ruled out technicalities, what happens to Jude, whose petition was not heard.

Respectfully, even unresolved conflicts in the judgments of the Supreme Court create greater uncertainty. In **Okeke V. Yar'adua** (2006), the Supreme Court held that failure to comply with para 18 First Schedule of Electoral Act was a jurisdictional issue and would lead to a dismissed of a petition.

In **Abubakar Abubakar V. Saisu Nasamu** (2011)

Professor Yemi Osibajo SAN in his paper "The Rule of Law", "The foundation is shaking at page 16 of certain outcome in litigation thus:

"Clearly the legal process loses its credibility where it is uncertain in its outcome even in the case of clear precedents. The judicial process is being rapidly-even laymen now wonder how come the same court cannot give consistent rulings on the same issue."

He concluded thus:

"The troubling part of the situation is that the appellate court do not seem to recognize the grave danger for stari decisis, the pillar upon which our procedural system is based of not addressing issues of conflicting decisions without expressly overruling or distinguishing existing authorities"

Honourable Justice G.A Oguntade, JSC (Rtd), CFR, in his contribution titled "Our Supreme Court"; The Past, The Present and The Future" published in "An Androit & Quintessential Jurist, Biography of **Honourable Justice Aderemi JSC** (Rtd) CON at page 233-234 he said."

"He made the Supreme Court very predictable with its principles clearly laid down. Bella's court shunned technicalities; he went for the substance. Prof. Itse Sugay reported the following encounter during Bello's Swearing-in Ceremony as Chief Justice of Nigeria, on 9th of March, 1987"

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Presidential Ibrahim Babangida is reported to said inter alia that the Rule of Law was the ultimate guarantee of peace and stability in the country and that the judiciary remained the hope of the common man. He therefore reminded the new Chief Justice that in the spirit and letter of the Oath of Office which he had just taken, the nation expected him to administer justice in all without fear or favour.

The president noted that the nation has been fortunate that Supreme Court had over the years, established a high reputation for integrity, fairness and consistence in the interpretation of the law...

This is what the Supreme Court has been doing since then” (emphasis mine)

Respectfully, arguable the strongest selling point of the Supreme Court by necessary implication the courts of record, is their reputation for integrity, fairness and consistency in the discharge of their duties. The law and the Rule of Law is stabilized by consistent pronouncement of the courts and by necessary implication the society through the age honoured legal principle of *stari decisis*. It is now common knowledge that this very special role of the judiciary and the Rule of Law is not just an engine for social engineering but an indispensable tool for stability of any engine for society. This is now being eroded with conflicting judgments and people’ lack of confidence in the judiciary.

Thus, the courts in Nigeria stabilized this country and prevented anarchy between the years 1999 and 2007 by its judgments and pronouncements. The bar, the bench and the public enjoyed and celebrated it. If the ship of justice sinks now, we shall all suffer it. The cases of ADELEKE, DARIYE. PETER OBI, LADOJA and others which stemmed the tide of impeachment of Governors. **A.G Federation V Atiku Abubakar**(2007) which was a personality rift between the President and Vice President and the courts looked above these personalities to identify the responsibilities of their offices irrespective of personal differences, **A.G. Lagos V. A.G. Federation & 35 ORS** on Local Government Funds; **A.G. Lagos V. A.G.F.** on creation of Local Government; **Buhari V. Obasanjo, (2003) and (2005) and the catchy Buhari V. Yar’adua** on Presidential Elections where the split decision of the court 3-4 comforted the losers at the pool and calmed frayed nerves and deepened the law, resource control, continental shelf amongst so many others.

Our judges therefore are men and women of very high integrity with very good concept of honour and learning with strength of character and the ability and intellect to assimilate digest and patiently apply the facts and relevant laws. They also have capacity to fairly, fearlessly and firmly resolve all issues with benefit of the rich experience of the Court in its previous decisions. Anything short of this legacy will be derogating from the high reputation of the appellate Courts and an invitation to anarchy.

It is against this background that I state without fear of any contradiction that conflicting judgments of our appellate Court sare not just an embarrassment to the Bar and Bench but a cancerous growth introduced into the justice system as a whole. It must be surgically removed before it consumes the judiciary. The Supreme Court, the National Judicial Council, The Senior Judges of the Court of Appeal, Chief Judges of States and other High Courts. The Bar must all rise up against this ill-wind that blows no good.

It is heart warming that some judges acknowledge there fallibility in matters of interpretation of the law. In this regards I doff my hat to Niki Tobi JCA (as he then was) when in a subsequent judgment he gracefully acknowledged a mistake he made in an earlier judgment about the same period. Tobi in *Bature V. Alhaji Mahntsons* (1992) stated

In Basheer V. same (1992) I had cause to interpret the above provision- referring the section 42(1) of Decree 18 of 1992. I have realized that the interpretation was given per-incuriam the light of a number of decisions of the Supreme Court and this court -referring to Court of Appeal... the correct interpretation of the subsection is that an election shall not be invalidated by the sole reason that it was not conducted substantially in accordance with the principle of Decree No. 18 of 1992 unless such non-compliance has affected substantially the result of the election” underlined supplied. (underlined supplied)

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We must acknowledge the fact that our judges did not drop from heaven. They are mortals as has rightly been observed by Aderemi (2000).

The job of judges is by no means an easy one. They of then do what the rest of the people seek to avoid. Wandering down judgment and this function they perform in public. They (Judges) are mere mortals that they are called upon to perform a function that is truly divine.

They are also very senior members of the Bar. If we complain about fallen standards, we start from the Bar, because they are part of the best from the Bar that are elevated to the Bench. A reference to the Holy books is instructive at this juncture

The Holy Bible in Exodus Chapter 18 v. 21-22 provides as follows

“21 – Moreover thou shall provide out of all the people able men such as fear God, men of truth, having no covetousness...

“22 – And let them judge the people at all season.”

“The Holy Koran in Surah IV v. 135

“135 – You who believe STAND OUT FIRMLY for justice, as witnesses, To God even as against yourself or your parents or your kin, and whether it be (against) rich or poor, for God can best protect both (than you). So follow not the lust of your hearts). Lets you distort (justice) or decline to do justice verily God is well acquainted with all that you do”.) emphasis mine)

It can safely be concluded that lawyers are special and those amongst them privileged to be invited to the Bench are divinely called and they must be above board lest they bring on themselves divine course for perverting the course of justice on the altar of technicalities.

Legal profession should be practiced by men of integrity and great candor. By purity of reasoning, we cannot and do not expect less from our judges. Fortunately, they are accountable to both men and God. May God help them.

Honourable Justice Muhammed Musdapher Akanbi, former president of the Court of Appeal in his publication “The judiciary and the Challenges of Justice” at page 107 said:-

There is no doubt that without a Good Bar, there can be no Good Bench. One has to be a lawyer first before becoming a judge of a High Court, the Court of Appeal or the Supreme Court.

Fashola Recapped the foregoing thus:-

“Generally speaking, the high standard of the Nigerian judiciary is largely due to the high standard of professional etiquette maintained by the bar, since judges are recruited from the Bar, they are likely to have high standard of judicial ethics”.

With respect, this is a call to duty to judges, retired and serving, professions, law teachers in the Faculties of Law in the various universities and campuses of the Nigerian Law School, Senior members of the Bar, to rise up to the occasion to save the legal profession and protect its corporate identity by doing all that positively project that which is good and honorable about the judiciary. This is self preservation and will not be seen as asking for too much, as to do otherwise, might make lawyers irrelevant not just in the dispensation of justice but to the enthronement of true democracy, rule of law, development, peace and order for stability of our Nation.

Conclusion

The spate of conflicting judgments. which we see in election litigations in the court of Appeal is quite worrisome and a sore point in the administration of justice in the country and this has invariably made a drastic and comprehensive reform of the justice sector imperative. The reform is particularly needed in the mode of appointment of judges to the appellate Courts in the Court which presently leave much to be desired. Apart from that we hope that the recommendations made here under will equally be helpful.

Recommendations

1. (i) The number of division of the Court of Appeal is getting too many for a Non-Information Technology (ICT) based Court. The need to introduce ICT is now imperatives to effectively co-ordinate, maintain and sustain this number of courts.
2. (ii) Like in the banks where due to large number of new banks, managers quickly rose to be managing directors, the system collapsed for lack of adequate manpower. Judges must be specially recruited amongst legal practitioners in practice. They must have knowledge of the use of computer at least, to retrieve and save information
3. (iii) The Court of Appeal must set up Law Research Units to identify conflicting judgments and pass it on to all others on the data base of the Court.
4. (iv) The judges be assisted with research assistants who are very good with the computer. Senators and members of the House of representatives have personal assistants and legislative assistants. Every judge of the Appellate Courts constitute a court and so must in Chambers have well remunerated staff, like research assistant, legal assistant, administrative secretary and secretary, drivers, clerk or messenger at the least.
5. Creation of Zonal Constitutional Court of Appeal one each for the six (6) geo-political zones in Nigeria. This will take appeals from the Courts of Appeal as presently constituted.
6. Constitutional limit for appeals to Supreme Court as it lacks the capacity to handle the deluge of appeals currently in the Court with only 16 justices.
7. (i) Appointment of judges to appellate courts be from amongst tested judges, established practicing lawyers and academics with yearly practicing fees.
(ii) There must be impute on appointment of judges from the local Bar Association, the State Bar, NBA, The Law School, and the Law faculty of the candidate being considered for judgeship. These bodies will feel liable in a way for the quality of the person being appointed to the Bench with their input.
(iii) There must be insurance and guaranteed pension for judges. When adverts are placed calling on judges to come for verification, it is a debasement of their status, some recant it and complain, others totally ignore it. This means nobody is looking after them. This cannot be a safeguard against corruption
8. (i) NJC must be swift Rt. Hon Justice S.M. Alfa Belgore as C.J.N, and chairman of council made the NJC to pronounce dismissal of some judges under a month or thereabout to effectively have control of the judiciary that had started granting unimaginable injunctions. The NJC therefore must want to follow this swift disciplinary approach.

(ii) Re-instatement of Hon. Justice Ayo Salami, president of Court of Appeal. He has been cleared by a couple of panels including the NBA. His re-instatement will enhance the credibility of the NJC, that it has nothing as a body against Salami and the judges tenure of office are guaranteed if they are not found wanting.
9. (i) NBA – Lawyers must know that they are officers of the Temple of justice and must discard the idea that they must win all cases. Their first duty is to the Court.
(ii) The Disciplinary Committee of the Bar is too far from the branches. Let there be state Bar Disciplinary Committees and an appeal may go to the NBA Disciplinary Committee. It also takes such a long time for the Committee to decide matters.

References

- A. G. Lagos State v. A. G. Federation 35 ORS (2004) 18 NWLR Pt. 908
- Aderemi P.O. (2000) *The Role of a judge in the Administration of Justice in Nigeria – Essays in Honour of Hon. Justice Mohammed Lawal Uwais, CON, GCON, the Chief Justice of Nigeria* (ed. Yakubu J. A.) Lagos, Malthouse Press, limited, P. 80
- Aregbesola vs Oyinlola (2009) 14W.W.L.R (Pt 1162) at 429
- Basher v. Polycap Sane & Ors. (1992) 4 NWLR part 236 491, at 509
- Bature v. Alhaji Malhuta (1992) 9 NWLR. Part 203, 85 at 108
- Buhari v. Obasanjo (2003) 17 NLR (Pt. 850) 423
- CPC v. INEC 41ors (2012) TNW.LR (Pt. 1280) 106
- Fashola ababolere – a Voyage to Stardom, Biography of Justice Owolabi kolawole, J.C.D statco, Publisher, Ibadan, P. 50
- Fayemi vs. Oni (2010) 17NWLR Pt 1222) 543 at 326
- Ibrahim v. INEC (2007) 3 Election Petition Report 50 at 66
- Nwobodo v Onoh (1984) 1SC NLR 1
- Obumneke v. Sylvester (2010) All FWL (Pt 506) 1.945 at 207
- Okeke v. Yar’dua (2008)- 12 NWLR (Pt. 1100) 95
- Prince Nwoke v. Yar’dua (2008) 14 NWL.R of (part1078) 465S.C (1108) and (Pt. 82 Pt. 1078 at 538 at 538,543